





ASSOCIATION OF MUNICIPAL CORPORATIONS.

Palace Chambers, 9, Bridge Street,

Westminster, S.W.,

22nd October, 1883.

AND AT
12, NEW COURT,
CAREY STREET,
W.C.

DEAR SIR,

Herewith we beg to hand you a copy of our Mr. Frank R. Parker's Index and Digest of the Judicature Acts and Rules, of which we beg your acceptance.

We trust the book may be of some assistance to you in the consideration of the New Rules, which come into force on Wednesday next.

We are, Dear Sir,

Yours truly,

SHARPE, PARKERS, PRITCHARD & SHARPE,

Solicitors and Parliamentary Agents to the Association.

The Town Clerk



Wall & Butterley
Kingston & Sharncliffe
ANALYTICAL INDEX

AND

DIGEST

OF THE

SUPREME COURT OF JUDICATURE
ACTS AND RULES,

WITH

TABLES SHOWING

THE SOURCES FROM WHICH THE NEW RULES
ARE DERIVED,
THE MODE IN WHICH THE REPEALED STATUTES
AND RULES ARE DEALT WITH,
AND
THE NEW PROVISIONS IN THE NEW RULES.

SECOND EDITION, REVISED AND ENLARGED.

BY

FRANK R. PARKER,
SOLICITOR,

(AUTHOR OF AN ANALYSIS AND INDEX TO THE
BANKRUPTCY ACT, 1869; MEMORANDUM OF THE DUTIES OF MAYOR
AT THE PARLIAMENTARY GENERAL ELECTION, 1880, ETC.)

LONDON :

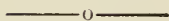
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PREFACE TO THE SECOND EDITION.



THE present edition of this book has occupied my leisure moments during the best part of two years, and the favorable reception accorded to its predecessor has decided me to offer this edition to the profession generally, instead of printing it for private circulation only.

The first questions which arise in a lawyer's mind, when he is presented with such a body of legislation as is contained in the new Rules, are how much is new, how much is old, and how far has that which is old been altered or added to? He next desires to be furnished with a connecting link between the new and the old matter and thus between existing text-books and decided cases and the new legislation: so that when he has to study any particular question he may be enabled to correct the nomenclature of a continued rule in his text-books, and may find his way to the cases which have been decided on that rule, and to the previous enactments and cases which have furnished materials for new rules. The three tables at the commencement of this book are an attempt to satisfy the lawyer's wants in these respects. The contents of the third are also included in the first table; but are repeated in a separate (the third) table with the object of instantly drawing attention to the more important of the new provisions.

The Index, though greatly enlarged, is framed on the same basis as the first edition. The main principle is that of a strictly alphabetical arrangement throughout, except that where a subject

b

is broken up into sub-titles the latter are arranged more in the order in which they would naturally occur in practice than in their purely alphabetical order. Another principle of the index is to present the same subject under several different heads, and to avoid cross references as far as possible, so as to save that annoying hunt after some particular provision which is experienced when one fails to find it in the place in which one expects to find it, and the further annoyance of being driven about from page to page to collect together the different branches of one subject. The language used is as nearly as possible the exact language of the Acts and Rules, and has been departed from only where conciseness could be thereby attained.

Such are the principles I have laid down for myself in writing this book ; how far I have been successful time alone can show. But to write a good index is no easy task, as all those who have tried must know. The author should not only have a complete knowledge of his subject, but the ability to appreciate the different aspects in which different readers will view the same subject. I can by no means claim a complete knowledge of all the varied subjects dealt with by these Acts and Rules, but I have carefully studied each title and have sought to satisfy the wants of various readers.

The present edition is published in a smaller, but, as I believe, more generally convenient size than the first edition. For the convenience however of those who are accustomed to the large folio size in which my previous Indexes have been published, a few copies have been printed on folio paper for binding with Queen's printers copies of the Acts and Rules. The bulk of the book has considerably increased, partly owing to the decrease in the size of the page, but mainly to the vast increase in the subject matter. It now deals with seven Acts of Parliament, over a thousand rules, and about five hundred forms.

For the purposes of the Index the forms of indorsements on writs of summons in Appendix A, part III., must be numbered as follows : section II., from 1 to 53 ; section IV., from 1 to 78 ; section VII., from 1 to 11.

Except on the theory of an oversight, it is impossible to under-

stand why the Rules of the Supreme Court, December 1882, have been left unrepealed. Each of these rules "may be cited as if it "had been one of the Rules of the Supreme Court, and had been "numbered by the number of the Order and Rule mentioned in "the margin:" and thus may be cited as one of a code and one of an enumeration now swept away. It also seems a matter of regret that a greater number of the pre-existing rules and orders have not been repealed or consolidated. The following (and I do not profess that the list is complete) all relate to subjects dealt with by the Judicature Acts and Rules, and are not consolidated in, or repealed by, the new Rules, viz:—The *Regulæ Generales* of Hilary Term, 1853, so far as they relate to juries; the *Regulæ Generales* of 22nd June, 1860, and 14th March, 1866, as to proceedings on the Revenue Side of the Court of Exchequer; the *Regulæ Generales* of Michaelmas Vacation, 1854, 8th May, 1856, Easter Term, 1857, Michaelmas Term, 1857; Hilary Term, 1862, and 6th June 1867; the Chancery Orders dated 11th November, 1862, 21st March, 1868, and 2nd March, 1869, all under the Companies Acts, 1862, 1867; the Chancery Orders dated 24th January, 1868, under the Railway Companies Act, 1867 (except rules 21 to 28, which were repealed by the Rules of the Supreme Court, April, 1880); the Chancery Orders dated 29th April, 1869, under the Liquidation Act, 1868; the Chancery Orders dated 7th Jan., 1870, under the Debtors Act, 1869; the Chancery Funds Consolidated Rules and Orders, 1874; the General Rules of the Queen's Bench Division dated 22nd January, 1877; the Chancery Order dated 22nd December, 1874, under the Courts of Justice (Salaries and Funds) Act, 1869; the Chancery Orders dated December, 1878, under the Settled Estates Act, 1877; the Rules of the Supreme Court, December, 1882, above mentioned; and the Rules of the Supreme Court, December, 1882, under the Settled Land Act, 1882, the Conveyancing Act, 1882, and the Conveyancing and Law of Property Act, 1881. Some of these Rules and Orders may hereafter be held to be impliedly repealed, but the majority are undoubtedly preserved by the rule (O. 70, r. 2) that "where no "other provision is made by the Acts or these rules, the present "procedure and practice remain in force."

In some slight degree this book may perhaps furnish an aid to further consolidation. There are many purely temporary provisions in each of the Judicature Acts, and many which are now obsolete, all of which could with advantage be repealed. There is also in the new Rules a certain amount of repetition which is unnecessary and tends to difficulty and embarrassment; *e.g.* O. 9, r. 2 is hardly wanted as well as O. 67, r. 6; O. 49, r. 6 as well as O. 55, r. 11; O. 54, r. 23 as well as O. 59, r. 1(*i*); nor form A., part 1, No. 18 as well as form G. 20.

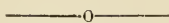
The practitioner must be careful to avoid the pitfalls presented for the unwary in the extended application of several old rules, which have hitherto been applicable on one side of Westminster Hall only. Many a rule formerly confined to the Chancery Division is now also applied to the Queen's Bench Division (and in some cases to the Probate, Divorce, and Admiralty Division as well) and *vice versa*. There are also some provisions of the old procedure which are not expressly repealed, but yet are repeated, with or without amendments, or are in conflict with provisions in the new Rules, and difficulty may arise in this respect. These may generally be ascertained by consulting Table II., the title "Repeal" in the Index, and the Statute Law Revision and Civil Procedure Act, 1883.

The present work can claim a secondary place only in a law library; it seeks merely to be ancillary to the numerous more able and valuable books now courting admission to our bookshelves but if it should prove of any assistance to the legal profession, and above all if it should in any way save its readers that most valuable quantity of the present day—time—my aim will have been fully accomplished.

12, NEW COURT, CAREY STREET, W.C.

October, 1883.

PREFACE TO THE FIRST EDITION.



THIS work, like the writer's Bankruptcy Analysis and Index, has grown out of the necessity to him, for the purposes of his own business, of studying the new procedure, and has been printed for private circulation in the hope that his labor may thus be utilized for others.

The practitioner will probably find it the most convenient course to have the book rebound with Queen's Printers' copies of the Statutes and Rules interleaved, but *not* the Index. To interleave the latter is to increase the bulk of the work, and diminish the facility of reference without gaining any equivalent advantage.

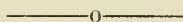
The writer will be much obliged to any one who will point out any errors. The greatest care has been taken to avoid them, but in such a complicated series of enactments it is quite possible that some errors may have crept in.

Beyond those arising from the union of all courts into one, the largest and most important innovations introduced by the new procedure seem to be the Abolition of Affidavit Evidence, except where taken by consent; the Trial with Assessors; the appointment of Official and Special Referees; the establishment of District Registries; the simplicity of Pleadings; the power of determining questions affecting Third Parties; and the facilities for obtaining Judgment in actions of debt notwithstanding an appearance, where the latter is entered without there being any substantial defence.

41, BEDFORD ROW, LONDON, W.C.,

September, 1875.

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ABBREVIATIONS.

—————()—————

<i>A.</i>	<i>refers to</i>	<i>Appendix A. to the rules of the Supreme Court, 1883 (the new rules).</i>
<i>Ad. R. 1859.</i>	<i>"</i>	<i>The rules, orders and regulations for the High Court of Admiralty, 1859.</i>
<i>Ad. R. 1871.</i>	<i>"</i>	<i>The rules, orders, and regulations for the High Court of Admiralty, 1871.</i>
<i>B.</i>	<i>"</i>	<i>Appendix B. to the new rules.</i>
<i>C.</i>	<i>"</i>	<i>Appendix C. to the new rules.</i>
<i>C.A.</i>	<i>"</i>	<i>Court of Appeal.</i>
<i>Ch. Div.</i>	<i>"</i>	<i>Chancery Division.</i>
<i>Ch. Or.</i>	<i>"</i>	<i>Chancery Order.</i>
<i>Ch. Reg.</i>	<i>"</i>	<i>Chancery Regulation.</i>
<i>Cons. Or.</i>	<i>"</i>	<i>The Chancery Consolidated General Orders, 1860.</i>
<i>D.</i>	<i>"</i>	<i>Appendix D. to the new rules.</i>
<i>Div.</i>	<i>"</i>	<i>Division.</i>
<i>D.R.</i>	<i>"</i>	<i>District Registry.</i>
<i>E.</i>	<i>"</i>	<i>Appendix E. to the new rules.</i>
<i>F.</i>	<i>"</i>	<i>Appendix F. to the new rules.</i>
<i>G.</i>	<i>"</i>	<i>Appendix G. to the new rules.</i>
<i>H.</i>	<i>"</i>	<i>Appendix H. to the new rules.</i>
<i>H.C.</i>	<i>"</i>	<i>High Court of Justice.</i>
<i>H.M.</i>	<i>"</i>	<i>Her Majesty.</i>
<i>J.</i>	<i>"</i>	<i>Appendix J. to the new rules.</i>
<i>K.</i>	<i>"</i>	<i>Appendix K. to the new rules.</i>
<i>L.</i>	<i>"</i>	<i>Appendix L. to the new rules.</i>
<i>L.C.</i>	<i>"</i>	<i>Lord Chancellor.</i>

<i>L.C.J.</i>	<i>refers to</i>	<i>Lord Chief Justice of England.</i>
<i>M.</i>	<i>„</i>	<i>Appendix M. to the new rules.</i>
<i>Method of</i> {	<i>„</i>	<i>The Method of Procedure applicable to Appeals in the House of Lords.</i>
<i>Procedure</i> }		
<i>M.R.</i>	<i>„</i>	<i>Master of the Rolls.</i>
<i>N.</i>	<i>„</i>	<i>Appendix N. to the new rules.</i>
<i>O.</i>	<i>„</i>	<i>Appendix O. to the new rules.</i>
<i>P.D. and A. Div.</i>		<i>Probate, Divorce, and Admiralty Division.</i>
<i>Q.B.D.</i>	<i>„</i>	<i>Queen's Bench Division.</i>
<i>R.G.</i>	<i>„</i>	<i>Regulæ Generales.</i>
<i>R.G.H.T.</i>	<i>„</i>	<i>The Regulæ Generales of Hilary Term, 1853.</i>
<i>R.G.M.T.</i>	<i>„</i>	<i>The Regulæ Generales of Michaelmas Term, 1869.</i>
<i>R.G.T.T.</i>	<i>„</i>	<i>The Regulæ Generales as to pleading of Trinity Term, 1853.</i>
<i>R. Dec. 1882</i>	<i>„</i>	<i>The rules of the Supreme Court, December, 1882.</i>
<i>R. May, 1883</i>	<i>„</i>	<i>The rules of the Supreme Court, May, 1883.</i>
<i>S.O.</i>	<i>„</i>	<i>The Standing Orders of the House of Lords as to Appeals.</i>

SIGNS USED AS REFERENCES.

— 0 —

Numbers preceded

by the sign § refer to the sections of The Supreme Court of Judicature Act, 1873.

” ” §§ ” *the sections of the Supreme Court of Judicature Act, 1875.*

” ” † ” *the sections of the Appellate Jurisdiction Act, 1876.*

” ” †† ” *the sections of the Supreme Court of Judicature Act, 1877.*

” ” †₊ ” *the sections of the Supreme Court of Judicature (Officers) Act, 1879.*

” ” ††₊ ” *the sections of the Supreme Court of Judicature Act, 1881.*

” ” ♂ ” *the sections of the Supreme Court of Judicature (Funds, etc.) Act, 1883.*

” *letter O.* ” *Orders of the Rules of the Supreme Court, 1883.*

” *letters S.O.* ” *Standing Orders of the House of Lords as to Appeals.*

NOTE.— *The signification of each of the above signs can easily be remembered if the principle upon which they are used be learnt. The section sign (§) is used for the first and principal Act (1873); it is doubled (§§) for the second Act (1875); the dagger (†) is next used for the third Act (1876); it again is doubled (††) for the fourth Act (1877); the double dagger (†₊) is then used for the fifth Act (1879); it again is doubled (††₊) for the sixth Act (1881); and the sign ♂ is used for the seventh and last Act (1883).*

The words supra and infra refer to above or below, in the same title, and not to the earlier or later part of the Index, where the same word would be found in its alphabetical position.

ERRATA.

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Page 7, col. 3.

„ 16, „ 3,

„ 17, „ 3,

„ 19, „ 3,

„ 21, „ 3,

„ 23, „ 3,

„ 25, „ 3,

„ 43, col. 1.

„ 44, „ 1.

for 17 & 18 Vic., c. 128, read 17 & 18 Vic. c. 125

„ 12, *for* O. 31, r. 19, *New, read* O. 31, r. 19, Slightly amended and re-enacted, R. G. H. T. 1853, r. 31.

„ 21, „ 3, *for* 17 & 18 Vic, c. 124, *read* 17 & 18 Vic., c. 125.

„ 42, *insert* R. G. H. T. 1853, r. 31. Slightly amended and re-enacted, O. 31, r. 19.

„ 63, col. 3. line 15, *for* O. 35, r. 39, *read* O. 36, r. 39,

„ 77, *cancel* O. 31, r. 19. Limited inspection of court rolls.

80, col. 1, *for* O. 66, r. 3, *read* O. 67, r. 3.

TABLE I.

Showing the Sources from which the New Rules are derived.

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 1, r. 1	Verbally amended and re-enacted .	O. 1, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ..	O. 1, r. 3
O. 2, r. 1	Re-enacted <i>ipsissimis verbis</i> ...	O. 2, r. 1
„ r. 2	Verbally re-arranged and slightly added to	O. 2, r. 2
„ r. 3	Verbally amended and re-enacted ..	O. 2, r. 3
„ r. 4	Re-enacted <i>ipsissimis verbis</i> ...	O. 2, r. 4
„ r. 5	Verbally amended and re-enacted .	O. 2, r. 5
„ r. 6	Extracted and re-enacted <i>ipsissimis verbis</i>	O. 2, r. 6
„ r. 7	Verbally amended and re-enacted ...	O. 2, r. 7
„ r. 8	Slightly but materially added to and re-enacted	O. 2, r. 8
O. 3, r. 1	Re-enacted <i>ipsissimis verbis</i> ..	O. 3, r. 1
„ r. 2	Extracted and re-enacted <i>ipsissimis verbis</i>	O. 3, r. 2
„ r. 3	Re-enacted, altering “may” to “shall”	O. 3, r. 3
„ r. 4	Slightly added to and re-enacted .	O. 3, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i> ..	O. 3, r. 5
„ r. 6	Re-enacted, materially extended, and a new provision added	O. 3, r. 6
„ r. 7	Re-enacted, altering “may” to “shall”	O. 3, r. 7
„ r. 8	Slightly amended and re-enacted .	O. 3, r. 8
O. 4, r. 1	Verbally amended and re-enacted ..	O. 4, r. 1
„ r. 2	Verbally amended and re-enacted ..	O. 4, r. 2
„ r. 3	Slightly amended and re-enacted .	O. 4, r. 3. a. (R. Feb. 1876, r. 3)
„ r. 4	<i>New</i>	
O. 5, r. 1	Re-enacted <i>ipsissimis verbis</i> ..	O. 5, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 5, r. 1. a. (R. Apl. 1880, r. 4)
„ r. 3	Verbally amended and re-enacted .	O. 5, r. 2

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 5, r. 4	Re-enacted with immaterial addition of "a statement"	O. 5, r. 3
,, r. 5	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	O. 5, r. 4
,, r. 6	<i>New</i>	
,, r. 7	<i>New</i>	
,, r. 8	<i>New</i>	
,, r. 9	<i>New</i>	
,, r. 10	Verbally amended and re-enacted .	O. 5, r. 5
,, r. 11	Re-enacted <i>ipsissimis verbis</i> . .	O. 5, r. 6
,, r. 12	Re-enacted <i>ipsissimis verbis</i> . . .	O. 5, r. 7
,, r. 13	Verbally amended and re-enacted .	O. 5, r. 8 (R. Jun. 1876, r. 3)
,, r. 14	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	O. 5, r. 9
,, r. 15	Re-enacted <i>ipsissimis verbis</i> . . .	O. 5, r. 10
,, r. 16	Slightly but materially amended and re-enacted	O. 5, r. 11 ,, r. 11. a. (R. Feb. 1876, r. 4)
,, r. 17	Slightly amended and re-enacted . .	O. 5, r. 11 (d)
O. 6, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 6, r. 1
,, r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 6, r. 2
O. 7, r. 1	Re-enacted with immaterial addition of "in writing"	O. 7, r. 1
,, r. 2	Re-enacted with slight immaterial additions	O. 7, r. 2
,, r. 3	Re-enacted and extended to D. Rs.	R. May 1883, r. 6
O. 8, r. 1	Re-enacted with slight immaterial alterations	O. 8, r. 1
,, r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 8, r. 2
,, r. 3	<i>New</i>	
O. 9, r. 1	Slightly but materially amended and re-enacted	O. 9, r. 1
,, r. 2	Re-enacted with slight but material addition	O. 9, r. 2
,, r. 3	Entirely re-written and substantially <i>new</i>	O. 9, r. 3
,, r. 4	Re-enacted with immaterial omission of four words	O. 9, r. 4
,, r. 5	Re-enacted with immaterial omission of two words	O. 9, r. 5
,, r. 6	Slightly amended and re-enacted . .	O. 9, r. 6
,, r. 7	Slightly amended and re-enacted . . .	O. 9, r. 6. a. (R. Jun. 1876, r. 4)
,, r. 8	Re-enacted with material additions	15&16 Vic. c. 76, s. 16
,, r. 9	Re-enacted with slight alterations	O. 9, r. 7
,, r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 9, r. 8

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 9, r. 10	<i>New</i>	
„ r. 11	Re-enacted <i>ipsissimis verbis</i> ..	O. 9, r. 9 (R. Dec. 1875, r. 5)
„ r. 12	Re-enacted and extended to warrants	O. 9, r. 10 (R. Dec. 1875, r. 6)
„ r. 13	Re-enacted and extended to warrants	O. 9, r. 11
„ r. 14	Re-enacted and extended to warrants	O. 9, r. 12
„ r. 15	Re-enacted <i>ipsissimis verbis</i> and added to	O. 9, r. 13
O. 10	Re-enacted with immaterial omission	O. 10
O. 11, r. 1	Materially amended, extended, and added to	
„ r. 2	Entirely re-written ..	O. 11, r. 1 O. 11, r. 1. a. (R. Jun. 1875, r. 5)
„ r. 3	Re-enacted <i>ipsissimis verbis</i> ...	O. 11, r. 2
„ r. 4	Materially amended and added to ..	O. 11, r. 3
„ r. 5	Re-enacted <i>ipsissimis verbis</i> ..	O. 11, r. 4
„ r. 6	Verbally amended and re-enacted ...	N. B. to A. 2. a. (R. Apl. 1880, sch. A. 2. a.)
„ r. 7	Re-enacted <i>ipsissimis verbis</i> .	O. 11, r. 5
O. 12, r. 1	Re-enacted <i>ipsissimis verbis</i> ..	O. 12, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 12, r. 1. a. (R. Apl. 1880, r. 5)
„ r. 3	Re-enacted and extended to admiralty actions ..	O. 12, r. 1. a. (R. Apl. 1880, r. 5)
„ r. 4	Re-enacted <i>ipsissimis verbis</i> .	O. 12, r. 2
„ r. 5	Verbally amended and re-enacted ..	O. 12, r. 3
„ r. 6	Re-enacted <i>ipsissimis verbis</i> ...	O. 12, r. 4
„ r. 7	Re-enacted <i>ipsissimis verbis</i> .	O. 12, r. 5
„ r. 8	Extracted and re-enacted <i>ipsissimis verbis</i> ..	O. 12, r. 6. b. (R. Apl. 1880, r. 6)
„ r. 9	Re-enacted and added to, as to D. Rs.	O. 12, r. 6. b. (R. Apl. 1880, r. 6)
„ r. 10	Verbally amended and materially added to	O. 12, r. 7
„ r. 11	Verbally amended and re-enacted ..	O. 12, r. 8
„ r. 12	Re-enacted <i>ipsissimis verbis</i> ..	O. 12, r. 9
„ r. 13	Re-enacted with immaterial omission	O. 12, r. 10
„ r. 14	Re-enacted <i>ipsissimis verbis</i> ...	O. 12, r. 11
„ r. 15	Re-enacted with addition of “as partners” ..	O. 12, r. 12
„ r. 16	Re-enacted <i>ipsissimis verbis</i> .	O. 12, r. 12. a. (R. Jun. 1876, r. 6)
„ r. 17	Re-enacted <i>ipsissimis verbis</i> ..	O. 12, r. 13
„ r. 18	Re-enacted and extended to bail in admiralty ...	O. 12, r. 14

Table I.

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 12, r. 19	Materially amended, extended, and re-enacted	Ad. R. 1859, r. 41
„ r. 20	Re-enacted with verbal amendments and omissions	Ad. R. 1859, r. 43
„ r. 21	Re-enacted with verbal amendments and omissions	Ad. R. 1859, r. 44
„ r. 22	Slightly amended and re-enacted	O. 12, r. 15
„ r. 23	Re-enacted <i>ipsissimis verbis</i>	O. 12, r. 16
„ r. 24	Re-enacted <i>ipsissimis verbis</i>	O. 12, r. 17
„ r. 25	Re-enacted <i>ipsissimis verbis</i>	O. 12, r. 18
„ r. 26	Re-enacted <i>ipsissimis verbis</i>	O. 12, r. 19
„ r. 27	Verbally amended and re-enacted	O. 12, r. 20
„ r. 28	Verbally amended and re-enacted	O. 12, r. 21
„ r. 29	Re-enacted altering “may” to “shall”	O. 12, r. 22
„ r. 30	Re-enacted <i>ipsissimis verbis</i>	R. May 1883, r. 5
O. 13, r. 1	Slightly, but materially altered, and re-enacted	O. 13, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 13, r. 2
„ r. 3	Re-written, and slightly altered and added to	O. 13, r. 3
„ r. 4	Re-written, and slightly but immaterially amended	O. 13, r. 4
„ r. 5	Re-written, and slightly but immaterially amended	O. 13, r. 6
„ r. 6	<i>New</i>	
„ r. 7	<i>New</i>	
„ r. 8	Re-enacted with immaterial addition of “by the writ”	O. 13, r. 7
„ r. 9	Re-enacted with immaterial addition of “mentioned”	O. 13, r. 8
„ r. 10	Extracted and extended	O. 13, r. 3
„ r. 11	Verbally amended and re-enacted	O. 13, r. 5. a. (R. Dec. 1875, r. 7)
„ r. 12	Slightly but materially amended, extended and re-enacted	O. 13, r. 9
„ r. 13	Verbally amended and re-enacted	Ad. R. 1871, r. 5
„ r. 14	<i>New</i>	
O. 14, r. 1	Slightly amended, and extended, by a <i>new</i> provision, to actions for the recovery of land	O. 14, r. 1 (R. May 1877, r. 3)
„ r. 2	Materially amended and re-enacted	O. 14, r. 2
„ r. 3	Materially amended and re-enacted	O. 14, r. 3
„ r. 4	Re-enacted omitting six immaterial words	O. 14, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 14, r. 5
„ r. 6	Re-enacted but materially added to	O. 14, r. 6

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 15, r. 1	Re-written, and verbally and slightly amended	O. 15, r. 1
„ r. 2	Re-enacted with material addition of “when necessary” . . .	O. 15, r. 2
O. 16, r. 1	Re-enacted with immaterial omission and addition	O. 16, r. 1
„ r. 2	Re-enacted with immaterial verbal alteration and omissions . .	O. 16, r. 2
„ r. 3	Entirely re-written but substantially re-enacted	23 & 24 Vic. c. 126 s. 20
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 16, r. 3
„ r. 5	Verbally amended and extended to matters	O. 16, r. 4
„ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 16, r. 5
„ r. 7	Re-enacted and extended to all causes and matters . . .	O. 16, r. 6
„ r. 8	Verbally amended and extended to matters	O. 16, r. 7
„ r. 9	Verbally amended and extended to matters	O. 16, r. 9
„ r. 10	Verbally but immaterially amended	O. 16, r. 12
„ r. 11	Slightly but materially amended, and extended to matters . .	O. 16, r. 13
„ r. 12	Re-enacted <i>ipsissimis verbis</i> . . .	O. 16, r. 14
„ r. 13	Re-enacted with material addition of “or substituted” . . .	O. 16, r. 15
„ r. 14	Materially amended and added to	O. 16, r. 10
„ r. 15	Re-enacted <i>ipsissimis verbis</i> . . .	O. 16, r. 10. a. (R. Jun. 1876, r. 8)
„ r. 16	Re-enacted as to infants but amended as to married women . . .	O. 16, r. 8
„ r. 17	Verbally amended and re-enacted . .	O. 18
„ r. 18	Re-enacted with immaterial alteration and addition	R. May, 1883, r. 2
„ r. 19	Re-enacted <i>ipsissimis verbis</i> . . .	R. May, 1883, r. 3
„ r. 20	Re-enacted with slight alterations, omissions and addition . . .	15 & 16 Vic. c. 86, s. 11
„ r. 21	Verbally amended and re-enacted, omitting married women . .	Ch. Or. 5th Feb. 1861, r. 24
„ r. 22	Amendment and extension of former practice	11 Hen. VII. c. 12
„ r. 23	Entirely re-written, but substantially re-enacted	Cons. Or. 7, r. 8
„ r. 24	Extracted and verbally amended	R. G. H. T. 1853, r. 121
„ r. 25	Extracted and re-written, but substantially re-enacted . . .	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 16, r. 26	Entirely re-written, but substantially re-enacted	Cons. Or. 7, r. 10
„ r. 27	Extracted and entirely re-written, but substantially re-enacted . . .	Cons. Or. 7, r. 9
„ r. 28	Extracted, verbally amended, and re-enacted	
„ r. 29	Extracted, slightly amended and re-enacted	Cons. Or. 7, r. 11
„ r. 30	Extracted, slightly amended, and re-enacted	
„ r. 31	Slightly amended and re-enacted	Cons. Or. 40, r. 5
„ r. 32	Slightly but immaterially amended	O. 16, r. 9. a. (R. Jun. 1876, r. 7)
„ r. 33	Re-written but substantially re-enacted	15 & 16 Vic., c. 86, s. 42, r. 1
„ r. 34	Re-written, but substantially re-enacted	15 & 16 Vic., c. 86, s. 42, r. 2
„ r. 35	Re-written, but substantially re-enacted	15 & 16 Vic., c. 86, s. 42, r. 3
„ r. 36	Re-written but substantially re-enacted	15 & 16 Vic., c. 86, s. 42, r. 4
„ r. 37	Slightly but immaterially amended	15 & 16 Vic., c. 86, s. 42, r. 5
„ r. 38	Verbally amended and re-enacted	15 & 16 Vic., c. 86, s. 42, r. 6
„ r. 39	Verbally amended and extended to proceedings	15 & 16 Vic., c. 86, s. 42, r. 7
„ r. 40	Materially amended, added to, and extended	15 & 16 Vic., c. 86, s. 42, r. 8 { Cons. Or. 23, r. 18
„ r. 41	Re-enacted with immaterial alteration of “a” to “any”	R. May, 1883, r. 4
„ r. 42	Verbally amended and re-enacted	Cons. Or. 23, r. 19
„ r. 43	Verbally amended and re-enacted	Cons. Or. 23, r. 20
„ r. 44	Re-enacted with immaterial omission	O. 16, r. 12. a. (R. Apl. 1880, r. 7)
„ r. 45	Verbally amended and extended to matters	Cons. Or. 7, r. 1
„ r. 46	Extracted and verbally, but immaterially amended	15 & 16 Vic., c. 86 s. 44
„ r. 47	Slightly amended and extended to matters	O. 16, r. 12. b. (R. Apl. 1880, r. 8)
„ r. 48	Verbally amended and slightly narrowed	O. 16, r. 18
„ r. 49	Materially amended and extended	O. 16, r. 20
„ r. 50	<i>New</i>	
„ r. 51	<i>New</i>	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 16, r. 52	Entirely re-written and materially added to	O. 16, r. 21
„ r. 53	Materially amended and extended . }	
„ r. 54	<i>New</i>	
„ r. 55	Entirely re-written and confined to co-defendants	O. 16, r. 17
O. 17, r. 1	Verbally amended and extended to matters, and a <i>new</i> provision added	
„ r. 2	Verbally amended and extended to matters	O. 50, r. 1
„ r. 3	Verbally amended and extended to matters	O. 50, r. 2
„ r. 4	Verbally amended and extended to matters	O. 50, r. 3
„ r. 5	Verbally amended and extended to matters	O. 50, r. 4
„ r. 6	Verbally amended and extended to matters	O. 50, r. 5
„ r. 7	Verbally amended and extended to matters	O. 50, r. 6
„ r. 8	Entirely re-written but substantially re-enacted	O. 50, r. 7
„ r. 9	Materially amended, and added to, and extended to matters . .	17 & 18 Vic., c. 128, s. 92
„ r. 10	Re-enacted and extended to matters	Cons. Or. 21, r. 7
O. 18, r. 1	Re-enacted with immaterial addition and omission	Cons. Or. 21, r. 8
„ r. 2	Re-enacted with material additions	O. 17, r. 1
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 17, r. 2
„ r. 4	Re-enacted <i>ipsissimis verbis</i>	O. 17, r. 3
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 17, r. 4
„ r. 6	Re-enacted <i>ipsissimis verbis</i>	O. 17, r. 5
„ r. 7	Verbally amended and re-enacted . .	O. 17, r. 6
„ r. 8	Verbally amended and re-enacted . .	O. 17, r. 7
„ r. 9	Slightly but immaterially amended	O. 17, r. 8
O. 19, r. 1	Slightly but immaterially amended	O. 17, r. 9
„ r. 2	Materially amended and re-enacted	O. 19, r. 1
„ r. 3	Re-enacted, omitting “statement of claim in a ”	O. 19, r. 2
„ r. 4	Extracted, materially amended, and a <i>new</i> provision added	O. 19, r. 3
„ r. 5	Extracted, materially added to, and amended	
„ r. 6	<i>New</i>	
„ r. 7	<i>New</i>	O. 19, r. 4

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 19, r. 8	Re-enacted and added to	R. G. H. T. 1853, r. 21
„ r. 9	Re-enacted with immaterial omis- sion	{ O. 19, r. 5 O. 19, r. 5. a. (R. Jun. 1876r.9)
„ r. 10	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 6
„ r. 11	Slightly amended and re-enacted . .	O. 19, r. 7
„ r. 12	Materially amended and re-enacted	O. 19, r. 16
„ r. 13	Re-enacted with material omission of “in an action”	O. 19, r. 17
„ r. 14	Re-enacted in part but entirely altered in other part	15&16 Vic., c. 76, s. 57
„ r. 15	Materially amended and re-enacted	O. 19, r. 18
„ r. 16	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 19
„ r. 17	Slightly amended and materially added to	O. 19, r. 20
„ r. 18	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 21
„ r. 19	Re-enacted with a slight amend- ment and omission	O. 19, r. 22
„ r. 20	Materially amended and extended	O. 19, r. 23
„ r. 21	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 24
„ r. 22	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 25
„ r. 23	Re-enacted with material addition	O. 19, r. 26
„ r. 24	Re-enacted with immaterial omission	O. 19, r. 27
„ r. 25	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 28
„ r. 26	<i>New</i>	
„ r. 27	Extracted, added to, and extended .	O. 27, r. 1
„ r. 28	Materially amended and added to . .	O. 19, r. 30
O. 20, r. 1	Materially amended and two <i>new</i> provisions added	O. 21, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 21, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 21, r. 3
„ r. 4	<i>New</i>	
„ r. 5	Slightly amended and re-enacted . . .	O. 36, r. 1
„ r. 6	Materially amended and a <i>new</i> pro- vision added	O. 19, r. 8
„ r. 7	Re-enacted, altering “facts” to “grounds”	O. 19, r. 9
„ r. 8	<i>New</i>	
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 19, r. 12
O. 21, r. 1	Re-enacted but limited in its opera- tion	R. G. T. T. 1853, r. 11
„ r. 2	Slightly amended and re-enacted . .	R. G. T. T. 1853, r. 7
„ r. 3	Re-written and materially amended	R. G. T. T. 1853, r. 6
„ r. 4	<i>New</i>	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 21, r. 5	Re-enacted <i>ipsissimis verbis</i> . .	O. 19, r. 11
„ r. 6	Re-enacted altering eight to ten days	O. 22, r. 1
„ r. 7	Slightly but materially amended and re-enacted	O. 22, r. 2
„ r. 8	Re-enacted <i>ipsissimis verbis</i>	O. 22, r. 3
„ r. 9	Re-enacted with immaterial addition of “or judge”	O. 22, r. 4
„ r. 10	Slightly but materially amended, and re-enacted	O. 19, r. 10
„ r. 11	Verbally amended and re-enacted . .	O. 22, r. 5
„ r. 12	Re-enacted <i>ipsissimis verbis</i> . .	O. 22, r. 6
„ r. 13	Re-enacted <i>ipsissimis verbis</i>	O. 22, r. 7
„ r. 14	Re-enacted <i>ipsissimis verbis</i>	O. 22, r. 8
„ r. 15	Re-enacted with immaterial omission	O. 22, r. 9
„ r. 16	<i>New</i>	
„ r. 17	Re-enacted with immaterial addition of “or a judge”	O. 22, r. 10
„ r. 18	Re-enacted with immaterial addition	O. 22, r. 11
„ r. 19	Extracted, verbally amended, and re- enacted	R.G.T.T.1853,r.21
„ r. 20	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 13
„ r. 21	Re-enacted with material addition . .	O. 19, r. 15
O. 22, r. 1	Extracted, materially amended and added to	O. 30, r. 1
„ r. 2	Extracted and verbally amended . }	
„ r. 3	<i>New</i>	
„ r. 4	Extracted, and slightly but immate- rially amended	O. 30, r. 2
„ r. 5	Extracted but considerably added to	O. 30, r. 3
„ r. 6	<i>New</i>	
„ r. 7	Materially amended and re-enacted	O. 30, r. 4
„ r. 8	<i>New</i>	
„ r. 9	<i>New</i>	
„ r. 10	<i>New</i>	
„ r. 11	<i>New</i>	
„ r. 12	<i>New</i>	
„ r. 13	<i>New</i>	
„ r. 14	<i>New</i>	
„ r. 15	<i>New</i>	
„ r. 16	<i>New</i>	
„ r. 17	Re-enacted with immaterial addition	Ch. Or. 1, Feb. 1861, r. 1
„ r. 18	Slightly but immaterially amended .	Ch. Or. 1, Feb. 1861, r. 2
„ r. 19	Materially amended and re-enacted .	Ad.R.1859, r.127
„ r. 20	Re-written but substantially re- enacted	Ad.R.1859, r.128

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 22, r. 21	Verbally amended and re-enacted .	Ad.R.1859,r.130
O. 23, r. 1	Slightly amended and re-enacted ..	(O. 24, r. 1
„ r. 2	Re-enacted with immaterial addition	Ad.R.1859, r.68
„ r. 3	Re-enacted <i>ipsissimis verbis</i> ...	O. 24, r. 2
„ r. 4	<i>New</i>	O. 24, r. 3
„ r. 5	Slightly amended and re-enacted .	O. 25
„ r. 6	Verbally amended and materially added to	O. 19, r. 14
O. 24, r. 1	Verbally amended and re-enacted ...	O. 20, r. 1
„ r. 2	Slightly but materially amended .	O. 20, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> ..	O. 20, r. 3
O. 25, r. 1	<i>New</i>	
„ r. 2	<i>New</i>	
„ r. 3	<i>New</i>	
„ r. 4	<i>New</i>	
„ r. 5	Slightly but materially amended and re-enacted	15&16Vic.c.86,s.50
O. 26, r. 1	Slightly amended and re-enacted ..	O. 23, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 23, r. 2
„ r. 3	Slightly and immaterially amended but materially added to	(R.Dec.1875,r.9)
„ r. 4	<i>New</i>	O. 23, r. 2
O. 27, r. 1	Verbally amended and re-enacted ..	(R.Jun.1876,r.10)
„ r. 2	Re-enacted omitting the words “or demurrer”	O. 29, r. 1
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 29, r. 2
„ r. 4	Slightly but materially amended, and re-enacted	O. 29, r. 3
„ r. 5	Re-enacted with slight unimportant additions	O. 29, r. 4
„ r. 6	Re-enacted with addition of three material words	O. 29, r. 5
„ r. 7	Re-enacted <i>ipsissimis verbis</i> ..	O. 29, r. 6
„ r. 8	Re-enacted with material addition	O. 29, r. 7
„ r. 9	<i>New</i>	O. 29, r. 8
„ r. 10	Re-enacted omitting the words “or demurrer”	O. 29, r. 9
„ r. 11	Re-enacted immaterially omitting two and adding three words .	O. 29, r. 10
„ r. 12	Materially amended and re-enacted	O. 29, r. 11
„ r. 13	Materially amended and re-enacted	O. 29, r. 12
„ r. 14	Re-enacted adding the words “or judge”	O. 29, r. 13
„ r. 15	Re-enacted <i>ipsissimis verbis</i> ...	O. 29, r. 14
O. 28, r. 1	Extracted and slightly added to .	O. 27, r. 1

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 28, r. 2	Slightly but materially added to and re-enacted	O. 27, r. 2
„ r. 3	Re-enacted with immaterial alterations and omissions . . .	O. 27, r. 3
„ r. 4	Re-enacted with unimportant alteration of “seem” to “be” .	O. 27, r. 4
„ r. 5	Entirely re-written and substantially new	O. 27, r. 5
„ r. 6	Re-enacted with immaterial alteration and omission	O. 27, r. 6
„ r. 7	Re-enacted with immaterial omissions and addition	O. 27, r. 7
„ r. 8	Re-enacted with unimportant verbal alterations and addition . .	O. 27, r. 8
„ r. 9	Slightly amended and added to . . .	O. 27, r. 9
„ r. 10	Slightly amended and added to .	O. 27, r. 10
„ r. 11	Re-enacted, adding the words “or summons”	O. 41. A. (R. Dec. 1879, r. 5)
„ r. 12	Verbally amended and re-enacted . . .	O. 59, r. 2 (R. Apl. 1880, r. 44)
„ r. 13	<i>New</i>	
O. 29, r. 1	Re-enacted <i>ipsissimis verbis</i> .	Ad. R. 1859, r. 46
„ r. 2	Verbally amended and re-enacted . .	Ad. R. 1859, r. 47
„ r. 3	Verbally amended and re-enacted . .	Ad. R. 1859, r. 48
„ r. 4	Re-enacted with a material addition	Ad. R. 1859, r. 49
„ r. 5	Re-enacted with a verbal amendment and material addition . . .	Ad. R. 1859, r. 50
„ r. 6	Verbally amended and re-enacted . .	Ad. R. 1859, r. 51
„ r. 7	Verbally amended and re-enacted . .	Ad. R. 1859, r. 52
„ r. 8	Verbally amended and re-enacted .	Ad. R. 1859, r. 53
„ r. 9	<i>New</i>	
„ r. 10	Slightly but immaterially added to	Ad. R. 1859, r. 54
„ r. 11	Verbally amended and re-enacted . .	Ad. R. 1859, r. 55
„ r. 12	Verbally amended and re-enacted . .	Ad. R. 1859, r. 56
„ r. 13	<i>New</i>	
„ r. 14	Verbally and materially amended .	Ad. R. 1559, r. 57
„ r. 15	Verbally and materially amended . .	Ad. R. 1859, r. 58
„ r. 16	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 59
„ r. 17	Re-enacted with a verbal amendment and unimportant omission . .	Ad. R. 1859, r. 60
„ r. 18	Re-enacted with a verbal amendment and slight addition	Ad. R. 1859, r. 61
O. 30, r. 1	<i>New</i>	
„ r. 2	<i>New</i>	
„ r. 3	<i>New</i>	
O. 31, r. 1	Materially amended, limited, and added to	O. 31, r. 1

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 31, r. 2	<i>New</i>	
„ r. 3	Materially amended and extended to matters	O. 31 r. 2
„ r. 4	Re-enacted altering “may” to “shall”	O. 31, r. 3
„ r. 5	Verbally amended and extended to matters	O. 31, r. 4
„ r. 6	Extracted, verbally amended and extended to matters	O. 31, r. 5 (R. Nov. 1878, r. 3)
„ r. 7	Extracted, materially amended and extended	
„ r. 8	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 6
„ r. 9	Re-enacted altering “may” to “shall”	{ O. 31, r. 7 O. 31, r. 7.a. R. Jun. 1876, r. 11
„ r. 10	Re-enacted <i>ipsissimis verbis</i>	
„ r. 11	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 9
„ r. 12	Materially added and extended to matters	O. 31, r. 10
„ r. 13	Re-enacted altering “may” to “shall”	O. 31, r. 12
„ r. 14	Verbally amended and re-enacted	O. 31, r. 13
„ r. 15	Materially amended and added to	O. 31, r. 11
„ r. 16	Re-enacted with an unimportant addition	O. 31, r. 14
„ r. 17	Re-enacted with a material and important addition	O. 31, r. 15
„ r. 18	Re-enacted with material additions	O. 31, r. 16
„ r. 19	<i>New</i>	O. 31, rr. 17, 18
„ r. 20	Re-enacted and extended to matters	O. 31, r. 19
„ r. 21	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 20
„ r. 22	Re-enacted and extended to interrogatories	O. 31, r. 21
„ r. 23	Re-enacted and extended to interrogatories	O. 31, r. 22
„ r. 24	Slightly but materially amended, and extended to matters	O. 31, r. 23
„ r. 25	<i>New</i>	
„ r. 26	<i>New</i>	
„ r. 27	<i>New</i>	
„ r. 28	<i>New</i>	
O. 32, r. 1	Verbally amended and extended to matters	O. 32, r. 1
„ r. 2	Slightly amended and extended to matters	O. 32, r. 2
„ r. 3	Re-enacted altering “may” to “shall” and with a consequent addition	O. 32, r. 3
„ r. 4	<i>New</i>	
„ r. 5	<i>New</i>	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 32, r. 6	Materially amended, curtailed, and extended to matters	O. 40, r. 11
,, r. 7	Slightly amended and re-enacted . . .	O. 32, r. 4
,, r. 8	Materially amended and a form prescribed	15 & 16 Vic. c. 76, s. 119.
,, r. 9	<i>New</i>	
O. 33, r. 1	Verbally amended and extended to matters	O. 26
,, r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 33
,, r. 3	Slightly and immaterially amended, and curtailed, and re-enacted . .	15 & 16 Vic. c. 86, s. 54
,, r. 4	Slightly and immaterially amended and extended to referees . .	Cons. Or. 35, r. 33
,, r. 5	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 35, r. 34
,, r. 6	Verbally amended and re-enacted . .	Cons. Or. 23, r. 14
,, r. 7	Slightly amended and re-enacted . .	Cons. Or. 23, r. 15
,, r. 8	Verbally amended and re-enacted . .	Cons. Or. 23, r. 16
,, r. 9	Extracted and materially amended and re-enacted	Cons. Or. 35, r. 23
O. 34, r. 1	Slightly but materially amended and extended to matters . .	O. 34, r. 1
,, r. 2	Re-enacted with an immaterial omission and extended to matters . . .	O. 34, r. 2
,, r. 3	Re-enacted adding the words "counsel or"	O. 34, r. 3
,, r. 4	Materially amended and extended to matters	O. 34, r. 4
,, r. 5	Re-enacted with a slight and unimportant addition and extended to matters	O. 34, r. 5
,, r. 6	Verbally amended and extended to matters	O. 34, r. 6
,, r. 7	Extracted and extended to matters . .	(R. Apl. 1880, r. 9)
		O. 34, r. 7
		(R. Apl. 1880, r. 10)
		{ O. 34, r. 7
		{ (R. Ap. 1880 r. 10)
		{ and
		{ O. 4.a (costs)
		{ (R. Ap. 1880 r. 64)
		{ previously
		{ O. 4 (costs)
,, r. 9	Slightly and immaterially amended, and extended to matters . .	15 & 16 Vic. c. 76, s. 42
,, r. 10	Slightly and immaterially amended, and re-enacted	15 & 16 Vic. c. 76, s. 43
,, r. 11	Slightly and immaterially amended, and re-enacted	15 & 16 Vic. c. 76, s. 44

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 34, r. 12	Re-enacted with immaterial addition	15 & 16 Vic. c. 76, s. 45
O. 35, r. 1	Extracted, verbally amended and extended to matters	O. 35, r. 1. a. (R. Jun. 1876, r. 12)
„ r. 2	Extracted, verbally amended and extended to matters	
„ r. 3	Slightly but immaterially amended and re-enacted	O. 35, r. 2
„ r. 4	Materially added to and extended to matters	O. 35, r. 3
„ r. 5	Materially added to, and amended, and extended to matters	O. 35, r. 3. a. (R. Apl. 1880, r. 11)
„ r. 6	Verbally amended and extended to matters	O. 35, r. 4
„ r. 7	Re-enacted <i>ipsissimis verbis</i>	O. 35, r. 5
„ r. 8	Re-enacted <i>ipsissimis verbis</i>	O. 35, r. 6
„ r. 9	Materially amended and re-enacted	O. 35, r. 7
„ r. 10	Re-enacted <i>ipsissimis verbis</i>	O. 35, r. 8
„ r. 11	Re-enacted <i>ipsissimis verbis</i>	O. 35, r. 9
„ r. 12	Verbally amended and extended to matters	O. 35, r. 10
„ r. 13	Slightly amended and re-enacted	O. 35, r. 11 O. 35, r. 11. a. (R. Dec. 1875, r. 10)
„ r. 14	Slightly amended and re-enacted with a material addition	
„ r. 15	<i>New</i>	O. 35, r. 12
„ r. 16	Extracted, verbally amended, and extended to matters	O. 35, r. 13
„ r. 17	Extracted, verbally amended, and extended to matters	
„ r. 18	<i>New</i>	
„ r. 19	Verbally amended and extended to matters	O. 19, r. 29
„ r. 20	Materially amended and re-enacted	O. 35, r. 14
„ r. 21	Verbally amended and extended to matters	O. 19, r. 29. a. (R. Mch. 1879, r. 4)
„ r. 22	<i>New</i>	
„ r. 23	Re-enacted <i>ipsissimis verbis</i>	O. 35, r. 15 (R. Dec. 1875, r. 11)
„ r. 24	Slightly amended and re-enacted	O. 35, r. 16 (R. May 1880, r. 3(c))
O. 36, r. 1	Re-written and materially amended	O. 36, r. 1
„ r. 2	Re-enacted but materially limited and amended	O. 36, r. 3
„ r. 3	<i>New</i>	
„ r. 4	Verbally amended and re-enacted	O. 36, r. 26

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 36, r. 5	<i>New</i>	
„ r. 6	Verbally amended and re-enacted	O. 36, r. 27
„ r. 7(a)	Entirely re-written and materially amended and extended to matters	O. 36, r. 2
„ r. 7(b)	Extracted, amended, and extended to matters	15 & 16 Vic. c. 76, s. 109.
„ r. 7(c)	Extracted, amended and extended to matters	15 & 16 Vic. c. 76, s. 109.
„ r. 7(d)	Extracted and verbally amended . .	R.G.H.T. 1853, r. 44.
„ r. 8	Verbally amended and extended to matters	15 & 16 Vic. c. 76, s. 109.
„ r. 9	Verbally amended and re-enacted . .	O. 36, r. 6
„ r. 10	<i>New</i>	O. 36, r. 7
„ r. 11	Re-written, materially amended, and extended to matters . .	
„ r. 12	{ Extracted and verbally amended . . Re-enacted with an immaterial omission	O. 36, r. 3 O. 36, r. 4 O. 36, r. 4.a
„ r. 13	Slightly amended and extended to matters	(R. June, 1876 r. 13) O. 36, r. 8 O. 36, r. 8 (R. Dec. 1875, r. 12).
„ r. 14	Materially amended and added to .	O. 36, r. 9.
„ r. 15	Re-enacted with addition of a <i>new</i> provision	
„ r. 16	Verbally amended and re-enacted . .	O. 36, r. 10 O. 36, r. 10. a.
„ r. 17	Verbally amended and re-enacted . . .	(R. Dec. 1875 r. 13) O. 36, r. 11
„ r. 18	Re-enacted <i>ipsissimis verbis</i> . .	O. 36, r. 12
„ r. 19	Re-enacted <i>ipsissimis verbis</i> . .	O. 36, r. 13
„ r. 20	Verbally amended and re-enacted . .	O. 36, r. 14
„ r. 21	Materially amended and added to, and extended to matters . .	Cons. Or. 21, r. 10
„ r. 22	Extracted, and re-enacted, omitting four immaterial words	
„ r. 23	Extracted, and re-enacted, omitting four immaterial words and "Taunton"	
„ r. 24	Extracted, and materially amended and re-enacted	O. 36, r. 15. a.
„ r. 25	Extracted, verbally amended, and re-enacted	(R. Dec. 1879, r. 4)
„ r. 26	Extracted, verbally amended and re-enacted	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 36, r. 27	Extracted, verbally amended and re-enacted	O. 36, r. 15.a. (R. Dec. 1879 r. 4)
„ r. 28	Extracted, verbally amended and and re-enacted	
„ r. 29	Entirely re-written and materially added to	O. 36, r. 16
„ r. 30	Verbally amended and re-enacted ..	O. 36, r. 17 (R. Dec. 1875, r. 14)
„ r. 31	Verbally amended and re-enacted ..	O. 36, r. 18
„ r. 32	Verbally amended and re-enacted ...	O. 36, r. 19
„ r. 33	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 20
„ r. 34	Re-enacted with a material addition.	O. 36, r. 21
„ r. 35	Slightly amended and extended ...	Cons. Or. 30, r. 3
„ r. 36	Verbally amended and re-enacted .	17 & 18 Vic. c. 128 s. 18
„ r. 37	<i>New</i>	
„ r. 38	<i>New</i>	
„ r. 39	Re-enacted with immaterial omission	O. 36, r. 22.a. (R. Dec. 1876, r. 3)
„ r. 40	<i>New</i>	
„ r. 41	Re-enacted adding the words “or master”	O. 36, r. 23
„ r. 42	Slightly but materially amended and added to	O. 36, r. 24
„ r. 43	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 28
„ r. 44	Verbally amended and extended to matters	O. 36, r. 29
„ r. 45	Verbally amended and curtailed ...	O. 36, r. 29.a. (R. June. 1876, r. 14)
„ r. 46	Verbally amended and re-enacted ..	O. 36, r. 29.b. (R. June 1876, r. 15)
„ r. 47	Verbally amended and re-enacted .	O. 36, r. 29.c. (R. June 1876, r. 16)
„ r. 48	Re-enacted, immaterially altering “by” to “with” in last line ...	O. 36, r. 30
„ r. 49	Re-enacted with verbal addition and material omission.	O. 36, r. 31
„ r. 50	Materially amended and extended ..	O. 36, r. 32
„ r. 51	Re-enacted <i>ipsissimis verbis</i> ...	O. 36, r. 33
„ r. 52	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 34 (R. Mch. 1879 r. 5)
„ r. 53	<i>New</i>	
„ r. 54	<i>New</i>	
„ r. 55	<i>New</i>	
„ r. 56	<i>New</i>	
„ r. 57	Slightly but materially amended and curtailed	15 & 16 Vic. c. 76 s. 94

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 36, r. 58	<i>New</i>	
O, 37, r. 1	Re-enacted with unimportant verbal additions	O. 37, r. 1
„ r. 2	Extracted and re-enacted	Ad. R. 1859, rr. 78, 108
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	R., May, 1883, r. 7.
„ r. 4	<i>New</i>	
„ r. 5	Verbally amended and re-enacted with immaterial omission	O. 37, r. 4.
„ r. 6	Extracted and re-enacted	O. 60.A. r. 12 (R. Apl. 1880, r. 52)
„ r. 7	Extracted, materially amended and extended to matters	{ 17 & 18 Vic. c. 128, s. 47 1 Will. IV. c. 22, s. 5
„ r. 8	Extracted, and curtailed and re-enacted	1 Will. IV. c. 22, s. 5
„ r. 9	Verbally amended and re-enacted	1 Will. IV. c. 22, s. 5
„ r. 10	Extracted and verbally and slightly amended and added to	} 15 & 16 Vic. c. 86, s. 31
„ r. 11	Extracted and verbally amended	
„ r. 12	Extracted, and materially amended and added to	15 & 16 Vic. c. 86, s. 32
„ r. 13	Extracted, and materially amended and added to	} 15 & 16 Vic. c. 86, s. 33
„ r. 14	Extracted, and verbally amended and curtailed	
„ r. 15	Extracted and materially added to	} 15 & 16 Vic. c. 83, s. 34
„ r. 16	Extracted, and verbally amended and re-enacted	
„ r. 17	Verbally amended, and curtailed and re-enacted	{ 1 Will. IV. c. 22, s. 8 17 & 18 Vic. c. 128, s. 56
„ r. 18	Materially amended and extended to matters	1 Will. IV. c. 22, s. 10
„ [r. 19	Extracted and verbally amended and re-enacted	15 & 16 Vic. c. 83, s. 35
„ r. 20	Extracted, and slightly but materially amended and re-enacted	15 & 16 Vic. c. 86, s. 40
„ r. 21	Verbally amended, curtailed, and re-enacted	15 & 16 Vic. c. 86, s. 41
„ r. 22	Slightly amended and extended to matters	Cons. Or. 19, r. 10

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 37. r. 23	Slightly but materially amended and extended to matters	Cons. Or.19, r. 11
„ r. 24	Slightly and immaterially amended and extended to matters	Cons. Or. 19, r. 12
„ r. 25	Extracted, slightly and immaterially amended and extended to matters	Ch.Or.5, Feb.1861, r. 15
„ r. 26	Extracted, verbally amended, and re-enacted	Cons. Or. 28, r. 1
„ r. 27	Verbally amended, curtailed, and re-enacted	Cons. Or. 28, r. 2
„ r. 28	Verbally amended and re-enacted	Cons. Or. 35, r. 29
„ r. 29	Re-enacted with a material addition	Cons. Or. 28, r. 3
„ r. 30	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 28, r. 4
„ r. 31	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 28, r. 5
„ r. 32	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 28, r. 6
„ r. 33	Re-enacted, omitting four immaterial words	Cons. Or. 28, r. 8
„ r. 34	Re-enacted, omitting an obsolete provision	Cons. Or. 28, r. 9
„ r. 35	Extracted, verbally amended and re-enacted	5 & 6 Vic. c. 69, s. 1
„ r. 36	Slightly amended curtailed and re-enacted	5 & 6 Vic. c. 69, s. 2
„ r. 37	Verbally amended and re-enacted	Cons. Or. 9, r. 6
„ r. 38	Verbally amended and re-enacted	Cons. Or. 9, r. 7
O. 38, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 2
„ r. 2	<i>New</i>	
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 3
„ r. 4	Verbally amended, curtailed, and re-enacted	{ Cons. Or. 1, r. 39 16 & 17 Vic. c. 78 s. 1
„ r. 5	Extracted, materially amended, and re-enacted	Cons. Or. 4
„ r. 6	Slightly and verbally amended and re-enacted	15 & 16 Vic. c. 86 s. 22
„ r. 7	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 3.a. (R.Apl.1880, r.12)
„ r. 8	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 3.b. (R.Apl.1880, r.13)
„ r. 9	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 3.c. (R.Apl.1880, r.14)
„ r. 10	Re-enacted with material additions	O. 37, r. 3.d. (R.Apl.1880, r.15)
„ r. 11	Re-written with a material addition as to costs	Cons. Or. 35, r. 60
„ r. 12	Re-enacted <i>ipsissimis verbis</i>	O. 37, r. 3.e. (R.Apl.1880, r.16)

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 38, r. 13	Verbally amended and re-enacted with the material addition of "or blind"	O. 37, r. 3,f. (R.Apl.1880,r.17)
„ r. 14	<i>New</i>	
„ r. 15	Verbally amended and re-enacted .	O. 37, r. 3.g. (R.Apl.1880,r.18)
„ r. 16	Materially amended, and added to, and made universal	R.G.H.T. 1853,rr. 142, 143
„ r. 17	Extracted and materially amended and extended	R.G.H.T. 1853, r. 143
„ r. 18	Verbally amended and made univer- sal	R.G.H.T. 1853, r. 145
„ r. 19	Verbally amended and materially added to	R.G.H.T. 1853, r. 146
„ r. 20	Slightly and immaterially amended and re-enacted	Cons. Or.35, r. 27
„ r. 21	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 35, r. 28
„ r. 22	Re-enacted altering "is to" to "shall"	Ch. Reg. 1857, r. 10
„ r. 23	Re-enacted twice altering "are to" to "shall"	Ch. Reg. 1857, r. 11
„ r. 24	Re-enacted altering "must have" to "shall be marked with"	Ch. Reg. 1857, r. 12
„ r. 25	Verbally amended and re-enacted ..	O. 38, r. 1
„ r. 26	Verbally amended and re-enacted ..	O. 38, r. 2
„ r. 27	Verbally amended and re-enacted ..	O. 38, r. 3
„ r. 28	Slightly amended and re-enacted ..	O. 38, r. 4
„ r. 29	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 5
„ r. 30	Verbally amended and limited . . .	{ O. 38, r. 6 { O. 3, (costs)
O. 39, r. 1	Re-written and materially added to	O. 39, r. 1 (R. Dec. 1876,r.5)
„ r. 2	<i>New</i>	
„ r. 3	<i>New</i>	
„ r. 4	Materially amended and added to ..	O. 39, r. 1,a. (R.Mch.1879,r.6)
„ r. 5	<i>New</i>	
„ r. 6	Materially amended and added to .	O. 39, r. 3
„ r. 7	Re-enacted with material omission of "in an action"	O. 39, r. 4
„ r. 8	Verbally amended and re-enacted .	17 & 18 Vic.c. 128 s. 31
O. 40, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 40, r. 1
„ r. 2	Slightly but materially amended and re-enacted	O. 40, r. 3

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 40, r. 3	Extracted, slightly but materially amended and re-enacted	O. 40, r. 4 (R. Dec. 1876, r. 7)
„ r. 4	Extracted, slightly but materially amended and re-enacted ..	
„ r. 5	Extracted and re-enacted with a material addition ...	
„ r. 6	Slightly but materially amended, and added to . . .	{ O. 40, r. 5 and R. Dec. 1876, r. 7
„ r. 7	Slightly but materially amended and re-enacted	O. 40, r. 7
„ r. 8	Verbally amended and re-enacted .	O. 40, r. 8
„ r. 9	Slightly but materially amended, and re-enacted	O. 40, r. 9
„ r. 10	Verbally amended and materially added to	O. 40, r. 10
O. 41, r. 1	Slightly but materially amended, and re-enacted	O. 41, r. 1
„ r. 2	Re-enacted omitting obsolete words	O. 41, r. 1.a. (R. Apl. 1880, r. 19)
„ r. 3	Materially amended and added to .	O. 41, r. 2
„ r. 4	Re-enacted <i>ipsissimis verbis</i> ...	O. 41, r. 3
„ r. 5	Slightly and immaterially amended and re-enacted	Ch. Or. 7 Jan. 1870 r. 1
„ r. 6	Re-enacted with immaterial omission of “or signed”	O. 41, r. 4
„ r. 7	Re-enacted <i>ipsissimis verbis</i> ...	O. 41, r. 5
„ r. 8	Verbally amended and re-enacted .	R. G. H. T. 1853, r. 171
„ r. 9	Verbally amended and re-enacted ..	R. G. H. T. 1853, r. 156
„ r. 10	Verbally amended and re-enacted. . .	R. G. H. T. 1853, r. 157
O. 42, r. 1	Extracted, verbally amended and re-enacted	Cons. Or. 29, r. 1
„ r. 2	Verbally amended and re-enacted ..	Cons. Or. 23, r. 22
„ r. 3	Re-enacted <i>ipsissimis verbis</i> ...	O. 42, r. 1
„ r. 4	Re-enacted <i>ipsissimis verbis</i> .	O. 42, r. 2
„ r. 5	Re-enacted <i>ipsissimis verbis</i> ..	O. 42, r. 3
„ r. 6	Re-enacted <i>ipsissimis verbis</i> ...	O. 42, r. 4
„ r. 7	Re-enacted <i>ipsissimis verbis</i> .	O. 42, r. 5
„ r. 8	Re-enacted <i>ipsissimis verbis</i> ..	O. 42, r. 6
„ r. 9	Re-enacted, twice adding the words “or order”	O. 42, r. 7
„ r. 10	Materially amended and re-enacted .	O. 42, r. 8
„ r. 11	Re-enacted omitting the word “judgment” and adding “or order”	O. 42, r. 9

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 42, r. 12	Re-enacted altering "may" to "shall"	O. 42, r. 10 and R. Jun. 1876, r. 17
" r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 11
" r. 14	Re-enacted altering "may" to "shall"	O. 42, r. 12
" r. 15	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 13
" r. 16	Re-enacted and extended to orders .	O. 42, r. 14
" r. 17	Materially amended and extended to orders	O. 42, r. 15
" r. 18	Verbally amended, extended to orders and made universal	O. 42, r. 15. a. (R. Apl. 1880, r. 20)
" r. 19	Materially amended and limited, and extended to orders	{ 15 & 16 Vic., c. 76, s. 120 R. G. H. T. 1853, r. 57
" r. 20	Verbally amended and re-enacted .	O. 42, r. 16
" r. 21	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 17
" r. 22	Re-enacted and extended to orders .	O. 42, r. 18
" r. 23	Materially amended and re-enacted	{ O. 42, r. 19 15 & 16 Vic., c. 76, s. 132 17 & 18 Vic., c. 128, s. 91
" r. 24	Re-enacted with immaterial omission and addition	O. 42, r. 20
" r. 25	<i>New</i>	
" r. 26	Verbally amended and extended to matters	O. 42, r. 21
" r. 27	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 22
" r. 28	Re-enacted with immaterial omission	O. 42, r. 23
" r. 29	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 24
" r. 30	Materially amended and extended .	17 & 18 Vic., c. 124, s. 74
" r. 31	Materially amended and extended . .	23 & 24 Vic., c. 126, s. 33
" r. 32	Materially amended and extended .	O. 45, r. 1
" r. 33	<i>New</i>	
" r. 34	<i>New</i>	
O. 43, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 43, r. 1
" r. 2	Verbally amended and re-enacted .	Cons. Or. 29, r. 9
" r. 3	Verbally amended and re-enacted .	Cons. Or. 29, r. 11
" r. 4	Verbally amended, and re-enacted with unimportant omissions . . .	Cons. Or. 29, r. 13
" r. 5	Re-enacted <i>ipsissimis verbis</i> .	O. 43, r. 2
" r. 6	Verbally amended and extended to orders	O. 47, r. 1

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 43, r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O. 47, r. 2 (R.Apl.1880,r.31)
O. 44, r. 1	Verbally amended and re-enacted .	O. 44, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . .	O. 44, r. 2
O. 45, r. 1	Verbally amended and extended to orders	O. 45, r. 2
„ r. 2	Verbally amended and extended to orders	O. 45, r. 3
„ r. 3	Verbally amended and extended to orders	O. 45, r. 4
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 45, r. 5
„ r. 5	Re-enacted <i>ipsissimis verbis</i> .	O. 45, r. 6
„ r. 6	Verbally amended and re-enacted . .	O. 45, r. 7
„ r. 7	Verbally amended and extended to orders	O. 45, r. 8
„ r. 8	Re-enacted <i>ipsissimis verbis</i> .	O. 45, r. 9
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . .	O. 45, r. 10
O. 46, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 46, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> .	O. 46, r. 2.a. (R.Apl.1880,r.21)
„ r. 3	Re-enacted with immaterial omission	O. 46, r. 3 (R.Apl.1880,r.22)
„ r. 4	Slightly but materially amended and re-enacted	O. 46, r. 4 (R.Apl.1880,r.23)
„ r. 5	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	O. 46, r. 5 (R.Apl.1880,r.24)
„ r. 6	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	
„ r. 7	Verbally amended and re-enacted . .	O. 46, r. 6 (R.Apl.1880,r.25)
„ r. 8	Materially amended and re-enacted .	O. 46, r. 7 (R.Apl.1880,r.26)
„ r. 9	Slightly but materially amended and re-enacted	O. 46, r. 9 (R.Apl.1880,r.28)
„ r. 10	Re-enacted with slight addition and material omission	O. 46, r. 10 (R.Apl.1880,r.29)
„ r. 11	Verbally amended and re-enacted .	O. 46, r. 11 (R.Apl.1880,r.30)
„ r. 12	Re-enacted but curtailed . .	Cons. Or. 26, r. 1
„ r. 13	Re-enacted but curtailed . . .	Cons. Or. 26, r. 2
O. 47, r. 1	Verbally amended and extended to orders	O. 48, r. 1
„ r. 2	Re-enacted and extended to orders	O. 48, r. 2
„ r. 3	Verbally amended and extended to orders	15&16 Vic., c. 76, s. 187

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 48, r. 1	Verbally amended and re-enacted. . .	{ 17 & 18 Vic., c. 128, s. 78 { O. 49
„ r. 2	Extracted and verbally amended and a form prescribed	17 & 18 Vic., c. 123, s. 78
O. 49, r. 1	Verbally amended and extended to matters	O. 51 r. 1
„ r. 2	Verbally amended and extended to matters and orders	O. 5, r. 1.a. (R. Jan. 1877, r. 4)
„ r. 3	Verbally amended and extended to orders	O, 51, r. 2
„ r. 4	<i>New</i>	
„ r. 5	Verbally amended and extended to matters	O. 51, r. 2.a. (R. Jun. 1876, r. 18)
„ r. 6	<i>New</i>	
„ r. 7	Verbally amended, limited to Ch. Div., and extended to matters	O. 51, r. 3
„ r. 8	Verbally amended, limited to same div. and extended to matters	O. 51, r. 4
O. 50, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 52, r. 1
„ r. 2	Verbally amended and re-enacted	O. 52, r. 2
„ r. 3	Materially amended and extended to matters	O. 52, r. 3
„ r. 4	<i>New</i>	
„ r. 5	Extracted, verbally amended and re-enacted	17 & 18 Vic. c. 128, ss. 58, 59
„ r. 6	Verbally amended and re-enacted	O. 52, r. 4
„ r. 7	Verbally amended and re-enacted	O. 52, r. 5
„ r. 8	Re-enacted, omitting the words “statement of ”.	O. 52, r. 6
„ r. 9	Verbally amended and re-enacted	15 & 16 Vic. c. 86, s. 57
„ r. 10	Materially amended and re-enacted	O. 52, r. 6.a. (R. Mch. 1879, r. 7)
„ r. 11	Re-enacted <i>ipsissimis verbis</i>	O. 52, r. 8 (R. Apl. 1880, r. 32)
„ r. 12	Extracted, slightly but materially amended, and extended to matters	17 & 18 Vic. c. 128, s. 82
„ r. 13	Re-enacted with a slight unimportant addition	R. G. H. T. 1853, r. 118
„ r. 14	Verbally amended and re-enacted	R. G. H. T. 1853, r. 119
„ r. 15	Slightly but materially amended and re-enacted	R. G. H. T. 1853, r. 120
„ r. 16	Materially amended, and added to and re-enacted	Cons. Or. 24 r. 1

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 50, r. 17	<i>New</i>	
„ r. 18	Materially amended and re-enacted	Cons. Or. 24, r. 2
„ r. 19	Verbally amended and re-enacted . .	Ch.Reg.1857,r.24
„ r. 20	Re-written and materially amended	Cons. Or. 24, r. 3
„ r. 21	Extracted, slightly but materially amended and re-enacted . . .	Cons. Or. 35, r. 23
„ r. 22	Verbally amended and re-enacted . .	Cons. Or. 24, r. 4
„ r. 23	Extracted and re-enacted . . .	Ch.Or.Nov. 1862, r. 19
O. 51, r. 1	Slightly but materially amended and extended to matters.	15 & 16 Vic. c. 86, s. 55
„ r. 2	Slightly but materially amended and extended to matters	15 & 16 Vic. c. 86, s. 56.
„ r. 3	Verbally amended and re-enacted . .	Cons. Or. 35, r. 13
„ r. 4	Verbally amended and re-enacted. . .	Ch.Reg.1857,r.13
„ r. 5	Re-enacted, altering “are to” to “shall”	Ch.Reg.1857,r.14
„ r. 6	Re-enacted, altering “are to” to “shall”	Ch.Reg.1857,r.15
„ r. 7	Extracted, slightly amended and re-enacted	15 & 16 Vic. c. 80, s. 40
„ r. 8	Extracted, verbally amended and re-enacted	
„ r. 9	Verbally amended and re-enacted . .	Cons. Or. 2, r. 1
„ r. 10	Verbally amended and re-enacted . .	Cons. Or. 2, r. 2
„ r. 11	Verbally amended and re-enacted . .	Cons. Or. 2, r. 3
„ r. 12	Verbally amended and re-enacted . .	Cons. Or. 2, r. 4
„ r. 13	Verbally amended and re-enacted . .	Cons. Or. 2, r. 5
„ r. 14	Verbally amended and re-enacted . .	Ad.R. 1859, r.124
„ r. 15	Verbally amended and re-enacted . .	Ad.R. 1859, r.125
„ r. 16	Verbally amended and re-enacted . .	Ad. R.1859, r.126
O. 52, r. 1	Re-enacted and extended to matters	O. 53, r. 1
„ r. 2	Re-enacted and materially ex- tended	O. 53, r. 2
„ r. 3	Verbally amended and re-enacted . .	O. 53, r. 3
„ r. 4	<i>New</i>	
„ r. 5	Re-enacted with a material addition	O. 53, r. 4
„ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 53, r. 5
„ r. 7	Re-enacted <i>ipsissimis verbis</i> . .	O. 53, r. 6
„ r. 8	Re-enacted omitting the words “in the action”	O. 53, r. 7
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 53, r. 8
„ r. 10	Verbally and slightly but materially amended and re-enacted . . .	Ad.R. 1859 rr. 139, 140
„ r. 11	Re-enacted <i>ipsissimis verbis</i> . .	R. May, 1883, r.8

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O, 52, r. 12	Slightly but materially amended and re-enacted	R.G.H.T. 1853, r. 134
„ r. 13	Materially amended and added to .	R.G.H.T. 1853, r. 149
„ r. 14	Materially amended and re-enacted	R.May, 1883, r. 10
„ r. 15	Verbally amended and re-enacted ..	R.May, 1883, r. 9
„ r. 16	Verbally amended and re-enacted ..	Cons. Or. 34, r. 1
„ r. 17	Extracted and re-enacted with a verbal addition .	Cons. Or. 34, r. 2
„ r. 18	Verbally amended, curtailed, and re-enacted	Cons. Or. 34, r. 3
„ r. 19	Extracted, verbally amended and curtailed	Ch. Or. 20th Mch. 1860, r. 1
„ r. 20	Verbally amended and re-enacted .	Ch. Or. 20th Mch. 1860, r. 2
„ r. 21	Re-enacted with an immaterial addition	Ch. Or. 20th Mch. 1860, r. 3
„ r. 22	Re-enacted with an immaterial addition	Ch. Or. 20th Mch. 1860, r. 4
„ r. 23	Verbally amended and re-enacted ..	Ad.R.1859, r. 155
O. 53, r. 1	Slightly amended, curtailed and re-enacted	17 & 18 Vic. c. 128, s. 68
„ r. 2	Extracted and re-enacted altering “may” to “shall” .	O. 3, r. 3
„ r. 3	Materially amended and added to .	17 & 18 Vic. c. 128, ss. 71, 72
„ r. 4	<i>New</i>	
„ r. 5	<i>New</i>	
„ r. 6	Extracted and materially amended	17 & 18 Vic. c. 128 s. 76
„ r. 7	Extracted, materially amended, and a form prescribed .. }	
„ r. 8	<i>New</i>	
„ r. 9	<i>New</i>	
„ r. 10	<i>New</i>	
„ r. 11	<i>New</i>	
„ r. 12	<i>New</i>	
„ r. 13	<i>New</i>	
„ r. 14	<i>New</i>	
„ r. 15	<i>New</i>	
O. 54, r. 1	Re-enacted with verbal omissions and a material addition . . .	O. 54, r. 1
„ r. 2	<i>New</i>	
„ r. 3	Extracted and re-enacted altering “are” to “shall” .	Ch.Reg.1857, r. 1
„ r. 4	Materially amended and re-enacted	Cons. Or. 35, r. 7

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 54, r. 5	Verbally amended and re-enacted . Extracted and materially added to .	Cons. Or. 35, r. 10 O. 54, r. 12 (R.Apl.1880,r.38)
„ r. 6	Verbally amended and re-enacted . .	Cons. Or. 35, r. 11
„ r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 40, r. 31
„ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 35, r. 14
„ r. 9	First part, <i>new</i> ; last part, re-enacted without material alteration . .	15 & 16 Vic. c. 80, s. 27
„ r. 10	Verbally amended and re-enacted . .	O. 54, r. 8 (R.Apl.1880,r.34)
„ r. 11	Slightly amended and re-enacted . . .	O. 54, r. 9 (R.Apl.1880,r.35)
„ r. 12	Materially amended and added to . .	{ O. 54, r. 2 O. 54, r. 2, a. R. Jun. 1876, r. 19) and O. 54, r. 2, a. (R. Nov. 1878, r. 4)
„ r. 13	<i>New</i>	
„ r. 14	<i>New</i>	
„ r. 15	<i>New</i>	
„ r. 16	<i>New</i>	
„ r. 17	<i>New</i>	
„ r. 18	<i>New</i>	
„ r. 19	<i>New</i>	
„ r. 20	Re-enacted <i>ipsissimis verbis</i> . .	O. 54, r. 3
„ r. 21	Materially amended and re-enacted	O. 54, r. 4
„ r. 22	Re-enacted <i>ipsissimis verbis</i> . . .	O. 54, r. 5
„ r. 23	<i>New</i>	
„ r. 24	Re-enacted, omitting C. P. & Exe. Divs.	O. 64, r. 6 (R.Mch.1879,r.8)
„ r. 25	Re-enacted, omitting C. P. & Exch. Divs. and excluding D. R.s . .	O. 54, r. 7 (R.Apl.1880,r.33)
„ r. 26	Verbally amended and re-enacted . .	{ O. 54, r. 10 R.Apl. 1880r.36) O. 54, r. 10. a. (R.May 1880r.4)
„ r. 27	Re-enacted <i>ipsissimis verbis</i> . . .	O. 54, r. 11 (R.Apl.1880,r.37)
„ r. 28	Extracted and re-enacted <i>ipsissimis verbis</i>	O. 54, r. 12 (R.Apl.1880,r.38)
„ r. 29	Re-enacted <i>ipsissimis verbis</i> . .	O. 54, r. 13
O. 55, r. 1	Extracted, verbally amended and re-enacted	(R.Apl.1880,r.39) 15 & 16Vic. c. 80, s. 12

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
,, r. 2	Materially amended and added to .	15 & 16Vic. c. 80, s. 26
,, r. 3	<i>New</i>	
,, r. 4(a)	Re-enacted and curtailed in lan- guage but materially enlarged in scope	15 & 16 Vic. c. 86 s. 45
,, ,, (b)	Re-enacted and curtailed in lan- guage but materially enlarged in scope	15 & 16, Vic. c. 86, s. 47
,, ,, (c)	<i>New</i>	
,, r. 5	<i>New</i>	
,, r. 6	<i>New</i>	
,, r. 7	<i>New</i>	
,, r. 8	<i>New</i>	
,, r. 9	Extracted and verbally amended and extended	15 & 16Vic. c. 86, s. 45
,, r. 10	<i>New</i>	
,, r. 11	<i>New</i>	
,, r. 12	<i>New</i>	
,, r. 13	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	Cons. Or. 41, r. 10
,, r. 14	Re-enacted <i>ipsissimis verbis</i>	Cons. Or. 41, r. 13
,, r. 15	Slightly amended and a material proviso added	15 & 16Vic. c. 80, s. 29
,, r. 16	Verbally and slightly but materially amended	15 & 16Vic. c. 80, s. 30
,, r. 17	Verbally amended and re-enacted .	15 & 16Vic. c. 80, s. 31
,, r. 18	Re-written, verbally amended, cur- tailed, and re-enacted	Cons. Or. 35, r. 45
,, r. 19	Verbally amended, limited to cham- bers, and re-enacted	15 & 16Vic. c. 80, s. 42
,, r. 20	Slightly amended, curtailed, and re- enacted	Cons. Or. 35, rr. 3, 5, 6
,, r. 21	<i>New</i>	
,, r. 22	Verbally amended and re-enacted . .	Cons. Or. 35, r. 8
,, r. 23	Verbally amended and re-enacted	Cons. Or. 35, r. 9
,, r. 24	Re-enacted, altering "may" to "shall"	Cons. Or. 35, r. 4
,, r. 25	Re-enacted, altering "is to" to "shall"	Ch.Reg.1857,r.19
,, r. 26	Re-enacted, altering "is to" and "are to" to "shall"	Ch.Reg.1857,r.20
,, r. 27	Re-enacted, twice altering "de- cree" to "judgment"	Cons. Or. 7, r. 7
,, r. 28	Re-enacted, thrice altering "decree" to "judgment"	Cons. Or. 35, r. 15

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 55, r. 29	Re-enacted, altering "is to" to "shall"	Ch.Reg.1857, r. 3
" r. 30	Re-enacted, altering " is to " to " shall, " and " decree " to " judgment"	Ch.Reg.1857, r. 6
" r. 31	Slightly but materially amended and re-enacted	Ch.Reg. 1857, r. 8
" r. 32	Re-enacted, twice altering " decree " to " judgment"	Cons. Or. 35, r. 22
" r. 33	Verbally amended and re-enacted . .	Cons. Or. 35, r. 16
" r. 34	Verbally amended and re-enacted . .	Cons. Or. 35, r. 17
" r. 35	Re-enacted, altering " decree " to " judgment"	Cons. Or. 35, r. 18
" r. 36	<i>New</i>	
" r. 37	Re-enacted with an unimportant omission	Cons. Or. 35, r. 26
" r. 38	Re-enacted omitting appointments . .	Cons. Or. 35, r. 24
" r. 39	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 35, r. 25
" r. 40	Verbally amended and materially added to	Cons. Or. 35, r. 20
" r. 41	Re-enacted <i>ipsissimis verbis</i> . .	Cons. Or. 35, r. 21
" r. 42	<i>New</i>	
" r. 43	<i>New</i>	
" r. 44	Verbally amended and re-enacted . .	Cons. Or. 35, r. 12
" r. 45	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 35, r. 35
" r. 46	Re-enacted altering " decree " to " judgment"	Cons. Or. 35, r. 36
" r. 47	Verbally amended and re-enacted . .	{ Cons. Or.35, r.37 Ch.Or.May1865, r. 1
" r. 48	Slightly, but materially amended and re-enacted	Cons. Or. 35, r. 39
" r. 49	Re-enacted <i>ipsissimis verbis</i> . . .	Ch. Or. 1865, r. 2
" r. 50	Re-enacted <i>ipsissimis verbis</i> and a form prescribed	Ch. Or. 1865, r. 3
" r. 51	Re-enacted <i>ipsissimis verbis</i> . . .	Ch. Or. 1865, r. 4
" r. 52	Re-enacted, adding " of creditors," and forms prescribed	Ch. Or. 1865, r. 5
" r. 53	Re-enacted <i>ipsissimis verbis</i> . .	Ch. Or. 1865, r. 6
" r. 54	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 35, r. 40
" r. 55	Re-enacted adding the words " of creditors"	Ch. Or. 1865, r. 7
" r. 56	Re-enacted <i>ipsissimis verbis</i> and forms prescribed	Ch. Or. 1865, r. 8
" r. 57	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 35, r. 43
" r. 58	Verbally amended and re-enacted . .	Cons. Or. 40, r. 24
" r. 59	Slightly but materially amended and re-enacted	Cons. Or. 35, r. 44

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 55, r. 60	Verbally amended and re-enacted and a form prescribed . . .	Ch. Or. 1865, r. 12
" r. 61	Re-enacted and extended to claimants	Ch. Or. 1865, r. 13
" r. 62	Re-enacted, twice altering "decree" to "judgment" . . .	Cons. Or. 42, r. 9
" r. 63	Re-enacted, twice altering "decree" to "judgment," and "suit" to "cause or matter" . . .	Cons. Or. 42, r. 10
" r. 64	Re-enacted, altering "decree" to "judgment" . . .	Cons. Or. 42, r. 11
" r. 65	Materially amended and added to . . .	15 & 16 Vic. c. 80, s. 32
" r. 66	Verbally amended and re-enacted . . .	Cons. Or. 35, r. 47
" r. 67	Verbally amended, and curtailed, and re-enacted . . .	Cons. Or. 35, r. 48
" r. 68	Materially amended and re-enacted	Cons. Or. 35, r. 46
" r. 69	Materially amended and added to . . .	15 & 16 Vic. c. 80, s. 33
" r. 70	Verbally amended and re-enacted . . .	{ Cons. Or. 35, r. 55 15 & 16 Vic. c. 80, s. 34 Cons. Or. 35, r. 52 Cons. Or. 35, r. 53 Cons. Or. 35, r. 54
" r. 71	Extracted, entirely re-written, but substantially re-enacted	15 & 16 Vic. c. 80, s. 34
" r. 72	Slightly amended and re-enacted with a material addition . . .	Ch. Reg. 1857, r. 18
" r. 73	Verbally amended and re-enacted	Cons. Or. 35, r. 57
" r. 74	Re-written and materially amended	Cons. Or. 35, r. 32
" r. 75	Re-written and amended . . .	Ch. Reg. 1857, r. 24
O. 56, r. 1	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 107
" r. 2	Re-enacted, twice altering "proctor" to "solicitor" . . .	Ad. R. 1859, r. 108
" r. 3	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 109
" r. 4	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 110
" r. 5	Re-enacted, altering "proctor" to "solicitor" . . .	Ad. R. 1859, r. 111
" r. 6	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 112
" r. 7	Re-enacted <i>ipsisssimis verbis</i> . . .	Ad. R. 1859, r. 113
" r. 8	Re-enacted <i>ipsisssimis verbis</i> . . .	Ad. R. 1859, r. 114
" r. 9	Re-enacted, altering "proctor" to "solicitor" . . .	Ad. R. 1859, r. 115
" r. 10	Verbally amended and re-enacted . . .	Ad. R. 1859, r. 116
" r. 11	Re-enacted, twice altering "proctor" to "solicitor" . . .	Ad. R. 1859, r. 117

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 56, r. 12	Verbally amended and re-enacted .	Ad. R. 1859, r. 118
O. 57, r. 1(a)	Extracted, verbally amended, cur- tailed, and re-enacted ..	1 & 2 Will. IV. c. 58 s. 1
„ r. 1(b)	Extracted, verbally amended, cur- tailed and re-enacted ...	{ 1 & 2 Will. IV. c. 58, s. 6 24 & 25 Vic. c. 10, s. 16
„ r. 2	Extracted, slightly but materially amended, and re-enacted in part	1 & 2 Will. IV. c. 58, s. 1
„ r. 3	Verbally amended and re-enacted ..	23 & 24 Vic. c. 126, s. 12
„ r. 4	Extracted, slightly and immaterially amended and re-enacted ...	O. 1, r. 2
„ r. 5	Extracted, verbally amended and re- enacted	1 & 2 Will. IV. c. 58, s. 1
„ r. 6	Extracted, verbally amended and re- enacted	1 & 2 Will. IV. c. 58, s. 1
„ r. 7	Extracted, slightly but materially amended and re-enacted ...	1 & 2 Will. IV. c. 58, s. 1
„ r. 8	Slightly but materially amended and re-enacted	{ 1 & 2 Will. IV. c. 58, s. 1 23 & 24 Vic. c. 126, s. 14
„ r. 9	Slightly amended and materially added to	23 & 24 Vic. c. 126, s. 15
„ r. 10	Slightly but materially amended and re-enacted	1 & 2 Will. IV. c. 58, s. 3
„ r. 11	Materially amended and added to .	23 & 24 Vic. c. 126, s. 17
„ r. 12	Verbally amended, and curtailed, and re-enacted ..	23 & 24 Vic. c. 126, s. 13
„ r. 13	<i>New</i>	
„ r. 14	<i>New</i>	
„ r. 15	Verbally amended and re-enacted	{ 1 & 2 Will. IV. c. 58, ss. 1, 6 23 & 24 Vic. c. 126, s. 14
O. 58, r. 1	Re-enacted <i>ipsissimis verbis</i> .	O. 58, r. 2
„ r. 2	Verbally amended and re-enacted ..	O. 58, r. 3
„ r. 3	Materially amended and re-enacted	O. 58, r. 4
„ r. 4	Materially amended and re-enacted	O. 58, r. 5
„ r. 5	Materially amended and re-enacted	O. 58, r. 5.a. (R. Mch. 1879, r. 9)
„ r. 6	Re-enacted <i>ipsissimis verbis</i> ...	O. 58, r. 6
„ r. 7	Re-enacted <i>ipsissimis verbis</i> .	O. 58, r. 7

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 58, r. 8	Re-enacted <i>ipsissimis verbis</i> ..	O. 58, r. 8
„ r. 9	Re-enacted <i>ipsissimis verbis</i> ...	O. 58, r. 9
„ r. 10	Re-enacted <i>ipsissimis verbis</i> .	O. 58, r. 10
„ r. 11	Re-enacted <i>ipsissimis verbis</i> ..	O. 58, r. 11
„ r. 12	Re-enacted <i>ipsissimis verbis</i> ...	O. 58, r. 12
„ r. 13	Re-enacted <i>ipsissimis verbis</i> .	O. 58, r. 13
„ r. 14	Re-enacted <i>ipsissimis verbis</i> ..	O. 58, r. 14
„ r. 15	Materially amended and added to	O. 58, r. 15
„ r. 16	Re-enacted omitting the word “so”	O. 58, r. 16
„ r. 17	Re-enacted <i>ipsissimis verbis</i> .	O. 58, r. 17
„ r. 18	Re-enacted <i>ipsissimis verbis</i> ..	O. 58, r. 18
„ r. 19	Slightly amended and re-enacted ...	{ R.G.T.T. 1853, r. 26 R.G. 6th Jun. 1867
O. 59, r. 1	Verbally amended and re-enacted .	O. 57.A., r. 1 (R.Dec. 1876,r.8)
„ r. 2	Verbally amended and extended to matters	O. 57.A., r. 2 (R.Dec. 1876,r.9)
„ r. 3	<i>New</i>	
„ r. 4	Materially amended and re-enacted	O. 58, r. 19 (R.Dec.1876,r.11)
„ r. 5	<i>New</i>	
„ r. 6	<i>New</i>	
O. 60, r. 1	Verbally amended, curtailed and re- enacted	O. 60, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> .	O. 60, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> ..	O. 60, r. 3 (R.Dec.1879,r.6)
„ r. 4	Materially amended and re-enacted	Cons. Or. 42, rr. 13, 14
O. 61, r. 1	Materially amended and added to...	O. 60.A., r. 1 (R.Dec.1879,r.7)
„ r. 2	Verbally amended and materially added to	O. 60.A., r. 2 (R.Dec.1879,r.8)
„ r. 3	Verbally amended and re-enacted ..	O. 60.A., r. 3 (R.Dec. 1879,r.9)
„ r. 4	<i>New</i>	
„ r. 5	Re-enacted <i>ipsissimis verbis</i> ...	O. 60.A., r. 4 (R.Dec.1879,r.10)
„ r. 6	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	{ O. 60.A., r. 5 (R.Apl.1880,r.45)
„ r. 7	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	
„ r. 8	<i>New</i>	
„ r. 9	Re-enacted <i>ipsissimis verbis</i> ...	O. 60.A., r. 6 (R.Apl.1880,r.46)

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 61, r. 10	Re-enacted <i>ipsissimis verbis</i> .	O. 64 (R.Apl.1880,r.62)
„ r. 11	Verbally amended and re-enacted . .	O. 64 (R.Apl.1880,r.63)
„ r. 12	Verbally amended and re-enacted . . .	Cons. Or. 1, r. 40
„ r. 13	Re-enacted with an unimportant addition	Cons. Or. 1, r. 41
„ r. 14	Re-enacted with an immaterial omis- sion and addition	Cons. Or. 42, r. 12
„ r. 15	Verbally amended and extended to D.Rs.	Cons. Or. 23, r. 23
„ r. 16	Verbally amended and re-enacted . .	Cons. Or. 1, r. 45
„ r. 17	Re-enacted with unimportant omis- sions, and alteration.	Cons. Or. 1, r. 46
„ r. 18	Verbally amended and re-enacted . . .	Cons. Or. 1, r. 47
„ r. 19	Verbally amended and extended to matters	Cons. Or. 1, r. 48
„ r. 20	Verbally amended and extended to matters	Cons. Or. 1, r. 49
„ r. 21	Verbally amended and re-enacted . . .	Cons. Or. 1, r. 50
„ r. 22	Re-enacted <i>ipsissimis verbis</i> .	O. 60.A., r. 7 (R.Apl.1880,r.47)
„ r. 23	Re-enacted <i>ipsissimis verbis</i> . .	O. 60.A., r. 8.a. (R.May 1880, r.5)
„ r. 24	Verbally amended and re-enacted. . .	Cons. Or. 1, r. 53
„ r. 25	Slightly, but immaterially amended, and re-enacted	O. 60.A., r. 9 (R.Apl.1880,r.49)
„ r. 26	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	O. 60.A., r. 10 (R.Apl.1880,r.50)
„ r. 27	Extracted, and verbally amended and re-enacted	
„ r. 28	Re-enacted <i>ipsissimis verbis</i>	O. 60.A., r. 11 (R.Apl.1880,r.51)
„ r. 29	Verbally amended and re-enacted . .	Cons. Or. 1, r. 43
„ r. 30	Verbally amended and re-enacted . . .	Cons. Or. 42, r. 3
„ r. 31	Re-enacted with verbal alteration and immaterial omissions	Cons. Or. 1, r. 44
„ r. 32	Extracted, verbally amended and curtailed	O. 60.A., r. 12 (R.Apl.1880,r.52)
„ r. 33	Extracted and re-enacted <i>ipsissimis</i> <i>verbis</i>	
O. 62, r. 1	Materially amended and added to .	Cons. Or. 1, r. 17
„ r. 2	Re-enacted, altering “decrees” to “judgments”	Cons. Or. 1, r. 18
„ r. 3	Re-enacted with verbal alterations and immaterial omissions	Cons. Or. 1, r. 19

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 62, r. 4	Re-enacted, altering "decree" to "judgment"	Cons. Or. 1, r. 20
" r. 5	Re-enacted with verbal alterations and immaterial omissions . . .	Cons. Or. 1, r. 21
" r. 6	Verbally amended and re-enacted . .	Cons. Or. 1, r. 22
" r. 7	Re-enacted, altering "decree" to "judgment"	Cons. Or. 1, r. 23
" r. 8	Slightly but materially amended and re-enacted	Cons. Or. 1, r. 24
" r. 9	Slightly but materially amended, and re-enacted	Cons. Or. 1, r. 25
" r. 10	Materially amended and re-enacted . .	Cons. Or. 1, r. 26
" r. 11	Re-enacted with material amend- ments and omissions	Cons. Or. 1, r. 27
" r. 12	Verbally amended and re-enacted . .	Cons. Or. 1, r. 28
" r. 13	Re-enacted, altering "decree" to "judgment"	Cons. Or. 1, r. 31
" r. 14	Re-enacted, altering "decree" to "judgment"	Cons. Or. 1, r. 32
" r. 15	Extracted, and entirely re-written, but substantially re-enacted . . .	Ch.Reg. as to fees 1860, Sch. 11., title "attend- ances"
" r. 16	<i>New</i>	
" r. 17	Verbally amended and re-enacted . .	Cons. Or. 6, r. 8
" r. 18	Extracted, and verbally amended and re-enacted	R. May, 1883, r. 1
O. 63, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 1
" r. 2	<i>New</i>	
" r. 3	<i>New</i>	
" r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 2
" r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 3
" r. 6	Re-enacted with addition (<i>new</i>) of Easter Eve	O. 61, r. 4
" r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 4.a. (R. Dec. 1875, r. 15)
" r. 8	Slightly amended and re-enacted . .	O. 61, r. 4.a. (R. Feb. 1876, r. 9)
" r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 4.c. (R. Apl. 1880, r. 53)
" r. 10	Re-enacted <i>ipsissimis verbis</i> . . .	O. 61, r. 4.d. (R. May, 1880, r. 6)
" r. 11	Verbally amended and re-enacted . .	O. 61, r. 5
" r. 12	Verbally amended and re-enacted . .	O. 61, r. 6
" r. 13	Slightly but materially amended and re-enacted	Cens. Or. 35, r. f

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 63, r. 14	Extracted, verbally amended and re-enacted	Cons. Or. 35, r.59
„ r. 15	Entirely re-written but substantially re-enacted	O. 61, r. 7
„ r. 16	Re-enacted altering “2” to “1” p.m.	O. 61, r. 10 (R.Feb.1876,r.10)
O. 64, r. 1	Materially amended and added to . .	O. 57, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 57, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . .	O. 57, r. 3
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . .	O. 57, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 57, r. 5
„ r. 6	Verbally amended and materially extended	Cons. Or. 37, r. 14
„ r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O. 57, r. 6
„ r. 8	Materially added to and extended . .	O. 57, r. 6.a. (R.Apl.1880,r. 42)
„ r. 9	Verbally amended and re-enacted . .	O. 57, r. 7 (R. Feb.1876, r.8)
„ r. 10	Verbally amended and re-enacted . .	Ad. R. 1859, r. 45
„ r. 11	Materially amended and re-enacted.	O. 57, r. 8 (R.Apl.1880,r.43)
„ r. 12	Extracted, slightly amended and re-enacted	R.G.H.T. 1853, r. 174
„ r. 13	Verbally amended and extended to matters	R.G.H.T. 1853, r. 176
„ r. 14	Extracted and re-enacted altering “term” to “sittings”	9 & 10 Will. III. c. 15, s. 2
„ r. 15	Verbally amended and re-enacted . .	Ad.R.1859, r.174
O. 65, r. 1	Materially amended and added to, and extended to matters . . .	O. 55, r. 1
„ r. 2	Extracted materially amended and re-enacted	R.G.H.T. 1853, r. 62
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . .	R.G.H.T., 1853, r. 117
„ r. 4	<i>New</i>	
„ r. 5	Re-enacted, twice adding the words “or judge”	Cons. Or. 21, r. 12
„ r. 6	Re-enacted, omitting the words “time or”	O 55 (R.Feb. 1876,r. 7)
„ r. 7	Re-enacted, adding the word “shall”	O. 55, r. 3 (R. Apl.1880, r.41)
„ r. 8	<i>New</i>	O. 5 Costs)
„ r. 9	<i>New</i>	
„ r. 10	<i>New</i>	
„ r. 11	<i>New</i>	
„ r. 12	<i>New</i>	
„ r. 13	Verbally amended and re-enacted . .	Cons. Or. 40, r. 4

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 65, .	Re-enacted but entirely reversed . . .	R.G.H.T., 1853, r. 63
„ r. 15	Re-enacted <i>ipsissimis verbis</i> . . .	R.G.H.T., 1853, r. 170
„ r. 16	Re-enacted, twice altering “attorney” to “solicitor” . . .	R.G.H.T., 1853, r. 59
„ r. 17	Re-enacted altering “attorney” to “solicitor” . . .	R.G.H.T., 1853, r. 61
„ r. 18	Verbally amended and materially added to . . .	Cons. Or. 40, r. 2
„ r. 19	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 40, r. 3
„ r. 20	Re-enacted, adding “in the Ch. Div.”	Cons. Or. 40, r. 26
„ r. 21	Re-enacted <i>ipsissimis verbis</i> . . .	Cons. Or. 40, r. 27
„ r. 22	Re-enacted, omitting the words “in chambers” . . .	Cons. Or. 40, r. 30
„ r. 23	Verbally amended and added to . . .	Cons. Or. 40, r. 37
„ r. 24	Verbally amended and re-enacted . .	Cons. Or. 41, r. 11
„ r. 25	Verbally amended and re-enacted . .	Cons. Or. 41, r. 12
„ r. 26	<i>New</i>	
„ r. 27		
reg. 1	Materially amended and re-enacted .	O.6(costs) sch. r. 1
„ reg. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 2
„ reg. 3	Slightly but materially amended and re-enacted . . .	O.6(costs) sch. r. 3
„ reg. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 4
„ reg. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 5
„ reg. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 6
„ reg. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 7
„ reg. 8	Verbally amended and re-enacted . .	Cons. Or. 40, r. 12
„ reg. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 8
„ reg. 10	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 9
„ reg. 11	Extracted and re-written, but sub- stantially re-enacted. . .	Ch., Reg. as to fees 1860, Sch. II., title “attendants”
„ reg. 12	Re-enacted, thrice omitting the word “above” . . .	O.6(costs) sch. r. 10
„ reg. 13	Verbally amended and re-enacted. . .	O.6(costs) sch. r. 11
„ reg. 14	Materially amended and re-enacted . .	O.6(costs) sch. r. 12
„ reg. 15	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 13
„ reg. 16	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 14
„ reg. 17	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 15
„ reg. 18	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs) sch. r. 16
„ reg. 19	Materially amended and re-enacted. .	O.6(costs) sch. r. 17
„ reg. 20	Materially amended, extended, and <i>new</i> provisions added . . .	O.6(costs) sch. r. 18
„ reg. 21	Slightly but materially amended and re-enacted . . .	O.6(costs) sch. r. 19

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 65, r. 27		
„ reg. 22	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs)sch.r.20
„ reg. 23	Re-enacted <i>ipsissimis verbis</i> . . .	O.6(costs)sch.r.21
„ reg. 24	Materially amended, extended, and added to . . .	O.6(costs)sch.r.22a (R.Apl.1880,r.65)
„ reg. 25	Slightly amended and re-enacted. . .	O.6(costs)sch.r.23
„ reg. 26	Re-enacted, with verbal alterations, omissions, and additions . . .	Cons.Or. 40, r. 25
„ reg. 27	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.24
„ reg. 28	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.25
„ reg. 29	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.26
„ reg. 30	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.27
„ reg. 31	Re-enacted with verbal alterations and unimportant omissions.	Cons. Or. 40, r. 7
„ reg. 32	Verbally amended and re-enacted . . .	Cons. Or. 40, r. 8
„ reg. 33	Re-enacted with material additions and omissions	Cons. Or. 40, r. 38
„ reg. 34	Verbally amended and re-enacted . . .	Cons. Or. 40, r. 39
„ reg. 35	Verbally amended and re-enacted. . .	Cons. Or. 40, r. 40
„ reg. 36	Verbally amended and re-enacted . . .	15 & 16 Vic. c. 80, s. 43
„ reg. 37	Verbally amended and re-enacted . . .	O.6(costs)sch.r.28
„ reg. 38	Re-enacted, and a <i>new</i> provision added	O.6(costs)sch.r.29
„ reg. 39	Materially amended and re-enacted . . .	O.6(costs)sch.r.30
„ reg. 40	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.31
„ reg. 41	Materially amended and re-enacted. . .	O.6(costs)sch.r.32
„ reg. 42	Re-enacted <i>ipsissimis verbis</i>	O.6(costs)sch.r.33
„ reg. 43	Verbally amended and re-enacted . . .	O.6(costs)sch.r.34
„ reg. 44	<i>New</i>	
„ reg. 45	<i>New</i>	
„ reg. 46	<i>New</i>	
„ reg. 47	Re-written and curtailed, but re-enacted	Cons. Or. 40, r. 20
„ reg. 48	<i>New</i>	
„ reg. 49	<i>New</i>	
„ reg. 50	Verbally amended and extended to matters.	Cons. Or. 40, r. 21
„ reg. 51	Extracted and materially amended.	Directions to Tax- ingMasters, H.T. 1853, scale
„ reg. 52	<i>New</i>	
„ reg. 53	<i>New</i>	
„ reg. 54	<i>New</i>	
„ reg. 55	<i>New</i>	
„ reg. 56	<i>New</i>	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OR RULE.
O. 65, r. 27, reg. 57	<i>New</i>	
„ reg. 58	<i>New</i>	
O. 66, r. 1	Verbally amended and re-enacted . .	O. 56, r. 1
„ r. 2	Re-enacted, altering “are to” to “shall,” and with an immaterial omission . .	Ch. Reg. 1857, r. 17
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 56, r. 2
„ r. 4	Re-enacted <i>ipsissimis verbis</i>	O. 56, r. 3
„ r. 5	Re-enacted with an unimportant omission	O. 1 (costs)
„ r. 6	Re-enacted <i>ipsissimis verbis</i>	O. 2, (costs)
„ r. 7	Slightly but materially amended and re-enacted	O. 5 (costs)
„ r. 8	Verbally amended and re-enacted . .	Ad. R. 1859, r. 160
„ r. 9	Verbally amended and re-enacted . .	Ad. R. 1859, r. 161
O. 67, r. 1	Materially amended and re-enacted .	R. G. H. T. 1853, r. 163
„ r. 2	Materially amended and added to . .	{ Cons. Or. 3, r. 4 R. G. H. T. 1853, r. 165
„ r. 3	<i>New</i>	
„ r. 4	Entirely re-written and materially amended	R. G. H. T. 1853, rr. 165, 166
„ r. 5	<i>New</i>	
„ r. 6	<i>New</i>	
„ r. 7	Verbally amended, and added to, and extended to matters	R. G. H. T. 1853, r. 167
„ r. 8	Verbally amended and re-enacted with a slight omission	Cons. Or. 3, r. 7
„ r. 9	Re-enacted with verbal omissions . .	Cons. Or. 10, r. 8
„ r. 10	Re-enacted with verbal alterations and omissions	Ad. R. 1859, r. 165
„ r. 11	Re-enacted, altering “ six ” to “ twelve ”	Ad. R. 1859, r. 166
„ r. 12	Extracted and re-enacted <i>ipsissimis verbis</i>	Ad. R. 1859, r. 167
„ r. 13	Verbally amended and re-enacted . .	Ad. R. 1859, r. 168
„ r. 14	Verbally amended and re-enacted . .	Ad. R. 1859, r. 172
O. 68, r. 1	Extracted, slightly amended, and re-enacted	O. 62 r. 1 (R. Apl. 1880, r. 54)
„ r. 2	Re-enacted and materially extended by new provisions	O. 62, rr. 2, 6. (R. Apl. 1880 rr. 55, 59)
„ r. 3	<i>New</i>	
„ r. 4	<i>New</i>	
O. 69, r. 1	Extracted and slightly amended }	R. G. M. T. 1869, r. 6
„ r. 2	Extracted and verbally amended }	

NUMBER OF NEW RULE.	EXTENT OF ALTERATION.	FORMER ENACTMENT OF RULE.
O. 69, r. 3	Slightly but materially amended and re-enacted	R.G.M.T.1869,r.7
„ r. 4	Re-enacted <i>ipsissimis verbis</i>	R.G.M.T.1869,r.8
„ r. 5	Verbally amended and re-enacted	R.G.M.T.1869,r.9
„ r. 6	Materially amended and re-enacted	R.G.M.T.1869r10
„ r. 7	Re-enacted with immaterial omission	R.G.M.T.1869r11
O. 70, r. 1	Materially amended and re-enacted	{ O. 59, r. 1 O. 62, r. 5 (RApl.1880r.58)
„ r. 2	Verbally amended and re-enacted	R.G.H. T. 1853,r. 135
„ r. 3	Slightly but materially amended and added to	R.G.H.T. 1853, r. 136
„ r. 4	Slightly but materially amended and re-enacted	R.G.H. T. 1853,r. 137
O. 71, r. 1	Materially added to and re-enacted	{ O. 63 r. 1 O. 63 r. 2 (RApl.1880,r60)
„ r. 2	<i>New</i>	
O. 72, r. 1	<i>New</i>	
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	{ Note at head of rules immedi- ately preced- ing O. 1
„ r. 3	<i>New</i>	

TABLE II.

Showing the mode in which the repealed and superseded Statutes, Rules, Orders, and Regulations are dealt with by, and the corresponding provisions in, the New Rules.

A. Statutes, Rules, Orders, and Regulations prior to the Judicature Acts.

B. Rules of the Supreme Court ; 1875 to May, 1883.

A. Statutes, Rules, Orders, and Regulations prior to the Judicature Acts.

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
11 Hen. VII. c. 12 9 & 10, Will. III. c. 15, s. 2	Amended and extended	O. 16, r. 22
	Re-enacted in part, altering "term" to "sittings"	O. 64, r. 14
	Verbally amended and in part re-enacted	O. 37, r. 7
1 Will. IV. c. 22, s. 5.	Re-enacted in part, and curtailed	O. 37, r. 8
	Verbally amended, and in part re- enacted	O. 37, r. 9
" " s. 8	Verbally amended, and curtailed and re-enacted	O. 37, r. 17
" " s. 10	Materially amended and extended to matters	O. 37, r. 18
	Verbally amended, curtailed and re-enacted	O. 57, r. 1(a)
	Slightly but materially amended, and re-enacted in part	O. 57, r. 2
	Verbally amended and in part re- enacted	O. 57, r. 5
1 & 2 Will. IV. c. 58, s. 1	Verbally amended and in part re- enacted	O. 57, r. 6
	Slightly but materially amended and in part re-enacted	O. 57, r. 7
	Slightly but materially amended and in part re-enacted	O. 57, r. 8
	Verbally amended and in part re- enacted	O. 57, r. 15

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
1 & 2 Will.IV.c. 58, s. 3	Slightly but materially amended and re-enacted	O. 57, r. 10
" " s. 6	{ Verbally amended, curtailed and in part re-enacted	O. 57, r. 1(b)
	{ Verbally amended and in part re- enacted	O. 57, r. 15
5 & 6 Vic. c. 69, s. 1	Verbally amended and in part re- enacted	O. 37, r. 35
" " s. 2	Slightly amended, curtailed and re- enacted	O. 37, r. 36
15&16 Vic.c.76, s. 16	Re-enacted with material additions	O. 9, r. 8
" " s. 42	Slightly and immaterially amended and extended to matters	O. 34, r. 9
" " s. 43	Slightly and immaterially amended and re-enacted	O. 34, r. 10
" " s. 44	Slightly and immaterially amended and re-enacted	O. 34, r. 11
" " s. 45	Re-enacted with immaterial addition	O. 34, r. 12
" " s. 57	Re-enacted in part, but entirely altered in other part	O. 17, r. 14
" " s. 94	Slightly but materially amended and curtailed	O. 36, r. 57
" " s. 109	{ Amended, extended to matters, and in part re-enacted	O. 36, r. 7(b)
	{ Amended, extended to matters, and in part re-enacted	O. 36, r. 7(c)
" " s. 110	{ Verbally amended and re-enacted	O. 36, r. 7(d)
" " s. 110	Materially amended and a form prescribed	O. 32, r. 8
" " s. 120	Materially amended and limited and extended to orders	O. 42, r. 19
" " s. 132	Materially amended and in part re- enacted	O. 42, r. 23
" " s. 187	Verbally amended and extended to orders	O. 47, r. 3
15&16 Vic.c.80, s. 12	Verbally amended and in part re- enacted	O. 55, r. 1
" " s. 26	Materially amended and added to .	O. 55, r. 2
" " s. 27	Re-enacted without material altera- tion	O. 54, r. 9
" " s. 29	Slightly amended and a material proviso added	O. 55, r. 15
" " s. 30	Verbally and slightly, but materi- ally amended	O. 55, r. 16
" " s. 31	Verbally amended and re-enacted .	O. 55, r. 17
" " s. 32	Materially amended and added to .	O. 55, r. 65
" " s. 33	Materially amended and added to .	O. 55, r. 69

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
15&16 Vic.c.80,s.34	{ Verbally amended and in part re-enacted Re-enacted in part and re-written	O. 55, r. 70 O. 55, r. 71
" " s. 40	{ Slightly amended and in part re-enacted Verbally amended and in part re-enacted	O. 51, r. 7
" " s. 42	{ Verbally amended, limited to chambers, and re-enacted . . .	O. 51, r. 8
" " s. 43	Verbally amended and re-enacted .	O. 51, r. 19 O. 55, r. 27 reg. 36
15&16 Vic.c.86,s. 11	Re-enacted with slight alterations omissions and addition . .	O. 16, r. 20
" " s. 22	Slightly and verbally amended and re-enacted	O. 38, r. 6
" " s. 31	{ Verbally and slightly amended and added to, and in part re-enacted Verbally amended and in part re-enacted	O. 37, r. 10 O. 37, r. 11
" " s. 32	Materially amended and added to, and in part re-enacted . .	O. 37, r. 12
" " s. 33	{ Materially amended and added to, and in part re-enacted . . . Verbally amended and curtailed, and in part re-enacted . Materially added to and in part re-enacted	O. 37, r. 13 O. 37, r. 14 O. 37, r. 15
" " s. 34	Verbally amended and in part re-enacted	O. 37, r. 16
" " s. 35	Verbally amended and in part re-enacted	O. 37, r. 19
" " s. 40	Slightly but materially amended and in part re-enacted	O. 37, r. 20
" " s. 41	Verbally amended and curtailed. . .	O. 37, r. 21
" " s.42, r. 1	Re-written but substantially re-enacted	O. 16, r. 33
" " " r. 2	Re-written but substantially re-enacted	O. 16, r. 34
" " " r. 3	Re-written but substantially re-enacted	O. 16, r. 35
" " " r. 4	Re-written but substantially re-enacted	O. 16, r. 36
" " " r. 5	Slightly but immaterially amended .	O. 16, r. 37
" " " r. 6	Verbally amended and re-enacted .	O. 16, r. 38
" " " r. 7	Verbally amended and extended to proceedings	O. 16, r. 39

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
15 & 16 Vic. c. 86, s. 42, r. 8	Materially amended, added to, and extended	O. 16, r. 40
" " s. 44	Verbally amended, and in part re- enacted	O. 16, r. 46
" " s. 45	Verbally amended, re-enacted in part, and extended	O. 55, r. 9
" " s. 45	Re-enacted and curtailed in lan- guage, but materially enlarged in scope	O. 55, r. 4(a)
" " s. 47	Re-enacted and curtailed in lan- guage, but materially enlarged in scope	O. 55, r. 4(b)
" " s. 50	Slightly but materially amended and re-enacted	O. 25, r. 5
" " s. 54	Slightly and immaterially amended and curtailed, and re-enacted	O. 33, r. 3
" " s. 55	Slightly but materially amended and extended to matters	O. 51, r. 1
" " s. 56	Slightly but materially amended and extended to matters	O. 51, r. 2
" " s. 57	Verbally amended and re-enacted	O. 50, r. 9
R.G.H.T. 1853, r. 21	Re-enacted and added to	O. 19, r. 8
" " r. 44	Amended and in part re-enacted	O. 36, r. 7.c
" " r. 57	Materially amended, and limited, and extended to orders	O. 42, r. 19
" " r. 59	Re-enacted, twice altering "attor- ney" to "solicitor"	O. 65, r. 16
" " r. 61	Re-enacted, altering "attorney" to "solicitor"	O. 65, r. 17
" " r. 62	Extended, materially amended, and re-enacted	O. 65, r. 2
" " r. 63	Re-enacted but entirely reversed	O. 65, r. 14
" " r. 117	Re-enacted <i>ipsissimis verbis</i>	O. 65, r. 3
" " r. 118	Re-enacted with a slight unimpor- tant addition	O. 50, r. 13
" " r. 119	Verbally amended and re-enacted	O. 50, r. 14
" " r. 120	Slightly but materially amended, and re-enacted	O. 50, r. 15
" " r. 121	Verbally amended and re-enacted in part	O. 16, rr 24, 25
" " r. 134	Slightly but materially amended, and re-enacted	O. 52, r. 12
" " r. 135	Verbally amended and re-enacted	O. 70, r. 2
" " r. 136	Slightly but materially amended and added to	O. 70, r. 3
" " r. 137	Slightly but materially amended, and re-enacted	O. 70, r. 4

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
R.G.H.T.1853r.142	} Materially amended, and added to and made universal	O. 38, r. 16
" " r.143		
" " r.143	Materially amended and extended and in part re-enacted . . .	O. 38, r. 17
" " r.145	Verbally amended and made uni- versal	O. 3, r. 18
" " r.146	Verbally amended and materially added to	O. 38, r. 19
" " r.149	Materially amended and added to .	O. 52, r. 13
" " r.156	Verbally amended and re-enacted .	O. 41, r. 9
" " r.157	Verbally amended and re-enacted .	O. 41, r. 10
" " r.163	Materially amended and re-enacted .	O. 67, r. 1
" " r.165	Materially amended and added to .	O. 67, r. 2
" " r.16 }	Entirely re-written and materially amended	O. 67, r. 4
" " r.166 }		
" " r.167	Verbally amended, and added to, and extended to matters .	O. 67, r. 7
" " r.170	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 15
" " r.171	Verbally amended and re-enacted .	O. 41, r. 8
" " r.174	Verbally amended and re-enacted .	O. 64, r. 12
" " r.176	Verbally amended and extended to matters	O. 64, r. 13
Directions to Tax- ing Masters } H.T. 1853, Scale }	Extracted and materially amended	O. 65, r. 27 reg. 51
R.G.T.T.1853,r.6	Re-written and materially amended	O. 21, r. 3
" " r.7	Slightly amended and re-enacted .	O. 21, r. 2
" " r.11	Re-enacted but limited in its opera- tion	O. 21, r. 1
" " r.21	Verbally amended and in part re- enacted	O. 21, r. 19
" " r.26	Slightly amended and re-enacted .	O. 58, r. 19
16&17Vic.c. 78,s.1	Verbally amended and in part re- enacted	O. 38, r. 4
17&18Vic.c.128s.18	Verbally amended and re-enacted .	O. 36, r. 36
" " s.31	Verbally amended and re-enacted .	O. 39, r. 8
" " s.47	Materially amended, extended to matters, and in part re-enacted	O. 37, r. 7
" " s.56	Verbally amended, and curtailed, and re-enacted	O. 37, r. 17
" " s.58	Verbally amended and in part re-enacted	O. 50, r. 5
" " s.59	Verbally amended and re-enacted }	O. 53, r. 1
" " s.68	Slightly amended, curtailed, and re-enacted	
" " s.71 }	Materially amended and added to .	O. 53, r. 3
" " s.72 }		

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
17&18Vic.c.128,s. 74	Materially amended and extended.	O. 42, r. 30
" " s. 76	{ Materially amended and in part re-enacted	O. 53, r. 6
" " s. 78	{ Materially amended, and in part re-enacted, and a form prescribed	O. 53, r. 7
" " s. 78	{ Verbally amended and in part re- enacted	O. 48, r. 1
" " s. 82	{ Verbally amended, in part re-en- acted, and a form prescribed	O. 48, r. 2
" " s. 91	Slightly but materially amended, extended to matters, and in part re-enacted	O. 50, r. 12
" " s. 92	Materially amended and re-enacted	O. 42, r. 23
" " s. 92	Entirely re-written but substanti- ally re-enacted	O. 17, r. 8
Ch.Reg.1857, r. 1	Re-enacted in part and altering "are to" to "shall"	O. 54, r. 3
" " r. 3	Re-enacted, altering "is to" to "shall"	O. 55, r. 29
" " r. 6	Re-enacted, altering "is to" to "shall" and "decree" to "judg- ment"	O. 55, r. 30
" " r. 8	Slightly but materially amended and re-enacted	O. 55, r. 31
" " r. 10	Re-enacted, altering "is to" to "shall"	O. 38, r. 22
" " r. 11	Re-enacted, twice altering "are to" to "shall"	O. 38, r. 23
" " r. 12	Re-enacted, altering "must have" to "shall be marked with"	O. 38, r. 24
" " r. 13	Verbally amended and re-enacted	O. 51, r. 4
" " r. 14	Re-enacted altering "are to" to shall"	O. 51, r. 5
" " r. 15	Re-enacted, altering "are to" to "shall"	O. 51, r. 6
" " r. 17	Re-enacted, altering "are to" to "shall" and with an immaterial omission	O. 66, r. 2
" " r. 18	Slightly amended and re-enacted with a material addition	O. 55, r. 72
" " r. 19	Re-enacted, altering "is to" to "shall"	O. 55, r. 25
" " r. 20	Re-enacted, altering "is to" and "are to" to "shall"	O. 55, r. 26
" " r. 24	{ Verbally amended and re-enacted { Re-written and amended	O. 50, r. 19
Ad. R. 1859, r. 41	Materially amended, extended, and re-enacted	O. 55, r. 75
" " r. 43	Materially amended, extended, and re-enacted	O. 12, r. 19
" " r. 43	Re-enacted with verbal amendments and omissions	O. 12, r. 20

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Ad. R. 1859, r. 44	Re-enacted with verbal amendments and omissions	O. 12, r. 21
" " r. 45	Verbally amended and re-enacted .	O. 64, r. 10
" " r. 46	Re-enacted <i>ipsissimis verbis</i> . .	O. 29, r. 1
" " r. 47	Verbally amended and re-enacted .	O. 29, r. 2
" " r. 48	Verbally amended and re-enacted .	O. 29, r. 3
" " r. 49	Re-enacted with a material addition	O. 29, r. 4
" " r. 50	Re-enacted with a verbal amendment and material addition . . .	O. 29, r. 5
" " r. 51	Verbally amended and re-enacted .	O. 29, r. 6
" " r. 52	Verbally amended and re-enacted .	O. 29, r. 7
" " r. 53	Verbally amended and re-enacted	O. 29, r. 8
" " r. 54	Slightly, but immaterially added to	O. 29, r. 10
" " r. 55	Verbally amended and re-enacted .	O. 29, r. 11
" " r. 56	Verbally amended and re-enacted .	O. 29, r. 12
" " r. 57	Verbally and materially amended .	O. 29, r. 14
" " r. 58	Verbally and materially amended .	O. 29, r. 15
" " r. 59	Verbally amended and re-enacted .	O. 29, r. 16
" " r. 60	Re-enacted with a verbal amendment and unimportant omission	O. 29, r. 17
" " r. 61	Re-enacted with a verbal amendment and slight addition . . .	O. 29, r. 18
" " r. 68	Verbally amended and re-enacted .	O. 23, r. 1
" " r. 78	Re-enacted in part	O. 37, r. 2
" " r. 107	Verbally amended and re-enacted	O. 56, r. 1
" " r. 108	{ Re-enacted, in part { Re-enacted, twice altering "proctor" to "solicitor"	O. 37, r. 2
" " r. 109	Verbally amended and re-enacted .	O. 56, r. 2
" " r. 110	Verbally amended and re-enacted	O. 56, r. 3
" " r. 111	Re-enacted, altering "proctor" to "solicitor"	O. 56, r. 4
" " r. 112	Verbally amended and re-enacted .	O. 56, r. 5
" " r. 113	Verbally amended and re-enacted .	O. 56, r. 6
" " r. 114	Re-enacted <i>ipsissimis verbis</i> . .	O. 56, r. 7
" " r. 115	Re-enacted <i>ipsissimis verbis</i> . . .	O. 56, r. 8
" " r. 116	Re-enacted, altering "proctor" to "solicitor"	O. 56, r. 9
" " r. 117	Verbally amended and re-enacted .	O. 56, r. 10
" " r. 118	Re-enacted, twice altering "proctor" to "solicitor"	O. 56, r. 11
" " r. 124	Verbally amended and re-enacted .	O. 56, r. 12
" " r. 125	Verbally amended and re-enacted .	O. 51, r. 14
" " r. 126	Verbally amended and re-enacted .	O. 51, r. 15
" " r. 127	Verbally amended and re-enacted .	O. 51, r. 16
" " r. 128	Materially amended and re-enacted	O. 22, r. 19
" " r. 128	Re-written but substantially re-enacted	O. 22, r. 20

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Ad. R. 1859, r. 130	Verbally amended and re-enacted .	O. 22, r. 21
" " r. 139	Verbally and slightly but materi- ally amended and re-enacted }	O. 52, r. 10
" " r. 140	Verbally amended and re-enacted }	O. 52, r. 23
" " r. 155	Verbally amended and re-enacted .	O. 66, r. 8
" " r. 160	Verbally amended and re-enacted .	O. 66, r. 9
" " r. 161	Verbally amended and re-enacted .	O. 67, r. 10
" " r. 165	Re-enacted with verbal alterations and omissions	O. 67, r. 11
" " r. 166	Re-enacted, altering "six" to "twelve"	O. 67, r. 12
" " r. 167	Re-enacted in part <i>ipsissimis verbis</i>	O. 67, r. 13
" " r. 168	Verbally amended and re-enacted .	O. 67, r. 14
" " r. 172	Verbally amended and re-enacted .	O. 64, r. 15
" " r. 174	Verbally amended and re-enacted .	O. 62, r. 1
Cons. Or. 1, r. 17	Materially amended and added to .	
" " r. 18	Re-enacted, altering "decrees" to "judgments"	O. 62, r. 2
" " r. 19	Re-enacted with verbal alterations and immaterial omissions . . .	O. 62, r. 3
" " r. 20	Re-enacted, altering "decree" to "judgment"	O. 62, r. 4
" " r. 21	Re-enacted with verbal alterations and immaterial omission . .	O. 62, r. 5
" " r. 22	Verbally amended and re-enacted .	O. 62, r. 6
" " r. 23	Re-enacted, altering "decree" to "judgment"	O. 62, r. 7
" " r. 24	Slightly but immaterially amended	O. 62, r. 8
" " r. 25	Slightly but materially amended and re-enacted	O. 62, r. 9
" " r. 26	Materially amended and re-enacted	O. 62, r. 10
" " r. 27	Re-enacted with material amend- ments and omissions	O. 62, r. 11
" " r. 28	Verbally amended and re-enacted .	O. 62, r. 12
" " r. 31	Re-enacted, altering "decree" to "judgment"	O. 62, r. 13
" " r. 32	Re-enacted, altering "decree" to "judgment"	O. 62, r. 14
" " r. 39	Verbally amended and re-enacted .	O. 38, r. 4
" " r. 40	Verbally amended and re-enacted	O. 61, r. 12
" " r. 41	Re-enacted with an unimportant addition	O. 61, r. 13
" " r. 43	Verbally amended and re-enacted .	O. 61, r. 29
" " r. 44	Re-enacted with verbal alteration and immaterial omission . . .	O. 61, r. 31
" " r. 45	Verbally amended and re-enacted .	O. 61, r. 16
" " r. 46	Re-enacted with unimportant omis- sions and alteration	O. 61, r. 17

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Cons. Or. 1, r. 47	Verbally amended and re-enacted .	O. 61, r. 18
„ „ r. 48	Verbally amended and extended to matters	O. 61, r. 19
„ „ r. 49	Verbally amended and extended to matters	O. 61, r. 20
„ „ r. 50	Verbally amended and re-enacted .	O. 61, r. 21
„ „ r. 53	Verbally amended and re-enacted .	O. 61, r. 24
Cons. Or. 2, r. 1	Verbally amended and re-enacted .	O. 51, r. 9
„ „ r. 2	Verbally amended and re-enacted .	O. 51, r. 10
„ „ r. 3	Verbally amended and re-enacted .	O. 51, r. 11
„ „ r. 4	Verbally amended and re-enacted .	O. 51, r. 12
„ „ r. 5	Verbally amended and re-enacted .	O. 51, r. 13
Cons. Or. 3, r. 4	Materially amended and added to .	O. 67, r. 2
„ „ r. 7	Verbally amended and re-enacted with a slight omission . .	O. 67, r. 8
Cons. Or. 4	Materially amended and in part re-enacted	O. 38, r. 5
Cons. Or. 6, r. 8	Verbally amended and re-enacted .	O. 62, r. 17
Cons. Or. 7, r. 1	Verbally amended and extended to matters	O. 16, r. 45
„ „ r. 7	Re-enacted, twice altering “decree” to “judgment”	O. 55, r. 27
„ „ r. 8	Entirely re-written but substantially re-enacted	O. 16, r. 23
„ „ r. 9	{ Entirely re-written but substantially re-enacted in part . .	O. 16, r. 27
	{ Verbally amended and in part re-enacted	O. 16, r. 28
„ „ r. 10	Re-written but substantially re-enacted	O. 16, r. 26
„ „ r. 11	{ Slightly amended and in part re-enacted	O. 16, r. 29
	{ Slightly amended and in part re-enacted	O. 16, r. 30
Cons. Or. 9, r. 6	Verbally amended and re-enacted .	O. 37, r. 37
„ „ r. 7	Verbally amended and re-enacted .	O. 37, r. 38
Cons. Or. 10, r. 8	Re-enacted with verbal omissions .	O. 67, r. 9
Cons. Or. 19, r. 10	Slightly amended and extended to matters	O. 37, r. 22
„ „ r. 11	Slightly but materially amended and extended to matters . .	O. 37, r. 23
„ „ r. 12	Slightly and immaterially amended and extended to matters .	O. 37, r. 24
Cons. Or. 21, r. 7	Materially amended and added to and extended to matters . .	O. 17, r. 9
„ „ r. 8	Re-enacted and extended to matters	O. 17, r. 10

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Cons. Or. 21, r. 10	Materially amended and added to and extended to matters . . .	O. 36, r. 21
„ „ r. 12	Re-enacted, twice adding the words “or judge” . . .	O. 65, r. 5
Cons. Or. 23, r. 14	Verbally amended and re-enacted .	O. 33, r. 6
„ „ r. 15	Slightly amended and re-enacted .	O. 33, r. 7
„ „ r. 16	Verbally amended and re-enacted .	O. 33, r. 8
„ „ r. 18	Materially amended added to and extended . . .	O. 16, r. 40
„ „ r. 19	Verbally amended and re-enacted .	O. 16, r. 42
„ „ r. 20	Verbally amended and re-enacted .	O. 16, r. 43
„ „ r. 22	Verbally amended and re-enacted .	O. 42, r. 2
„ „ r. 23	Verbally amended and extended to D. R.’s . . .	O. 61, r. 15
Cons. Or. 24, r. 1	Materially amended and added to and re-enacted . . .	O. 50, r. 16
„ „ r. 2	Materially amended and re-enacted .	O. 50, r. 18
„ „ r. 3	Re-written and materially amended .	O. 50, r. 20
„ „ r. 4	Verbally amended and re-enacted .	O. 50, r. 22
Cons. Or. 26, r. 1	Re-enacted but curtailed . .	O. 46, r. 12
„ „ r. 2	Re-enacted but curtailed . . .	O. 46, r. 13
Cons. Or. 28, r. 1	Verbally amended and in part re-enacted . . .	O. 37, r. 26
„ „ r. 2	Verbally amended, curtailed and re-enacted . . .	O. 37, r. 27
„ „ r. 3	Re-enacted with a material addition . . .	O. 37, r. 29
„ „ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 37, r. 30
„ „ r. 5	Re-enacted <i>ipsissimis verbis</i> . .	O. 37, r. 31
„ „ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 37, r. 32
„ „ r. 8	Re-enacted, omitting four immaterial words . . .	O. 37, r. 33
„ „ r. 9	Re-enacted, omitting an obsolete provision . . .	O. 37, r. 34
Cons. Or. 29, r. 1	Verbally amended and in part re-enacted . . .	O. 42, r. 1
„ „ r. 9	Verbally amended and re-enacted .	O. 43, r. 2
„ „ r. 11	Verbally amended and re-enacted .	O. 43, r. 3
„ „ r. 13	Verbally amended and re-enacted with unimportant omissions . .	O. 43, r. 4
Cons. Or. 30, r. 3	Slightly amended and extended . .	O. 36, r. 35
Cons. Or. 34, r. 1	Verbally amended and re-enacted .	O. 52, r. 16
„ „ r. 2	Re-enacted in part and with a verbal addition . . .	O. 52, r. 17
„ „ r. 3	Verbally amended curtailed and re-enacted . . .	O. 52, r. 18
Cons. Or. 35, r. 4	Re-enacted, altering “may” to “shall”	O. 55, r. 24

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Cons. Or. 35, r. 3	Slightly amended, curtailed, and re-enacted	O. 55, r. 20
" " r. 5		
" " r. 6		
" " r. 7	Materially amended and re-enacted	O. 54, r. 4
" " r. 8	Verbally amended and re-enacted .	O. 55, r. 22
" " r. 9	Verbally amended and re-enacted .	O. 55, r. 23
" " r. 10	Verbally amended and re-enacted .	O. 54, r. 5
" " r. 11	Verbally amended and re-enacted .	O. 54, r. 6
" " r. 12	Verbally amended and re-enacted .	O. 55, r. 44
" " r. 13	Verbally amended and re-enacted .	O. 51, r. 3
" " r. 14	Re-enacted <i>ipsissimis verbis</i> .	O. 54, r. 8
" " r. 15	Re-enacted, thrice altering "decree" to "judgment"	O. 55, r. 28
" " r. 16	Verbally amended and re-enacted .	O. 55, r. 33
" " r. 17	Verbally amended and re-enacted	O. 55, r. 34
" " r. 18	Re-enacted, altering "decree" to "judgment"	O. 55, r. 35
" " r. 20	Verbally amended and materially added to	O. 55, r. 40
" " r. 21	Re-enacted <i>ipsissimis verbis</i> .	O. 55, r. 41
" " r. 22	Re-enacted, twice altering "decree" to "judgment"	O. 55, r. 32
" " r. 23	(Materially amended and in part re-enacted	O. 33, r. 9
" " r. 24	Slightly but materially amended, and in part re-enacted .	O. 50, r. 21
" " r. 25	Re-enacted omitting appointments	O. 55, r. 38
" " r. 26	Re-enacted <i>ipsissimis verbis</i> .	O. 55, r. 39
" " r. 27	Re-enacted with an unimportant omission	O. 55, r. 37
" " r. 28	Slightly and immaterially amended and re-enacted .	O. 38, r. 20
" " r. 29	Re-enacted <i>ipsissimis verbis</i> .	O. 38, r. 21
" " r. 30	Verbally amended and re-enacted	O. 37, r. 28
" " r. 32	Re-written and materially amended	O. 55, r. 74
" " r. 33	Slightly and immaterially amended and extended to referees . . .	O. 33, r. 4
" " r. 34	Re-enacted <i>ipsissimis verbis</i> .	O. 33, r. 5
" " r. 35	Re-enacted <i>ipsissimis verbis</i> .	O. 55, r. 45
" " r. 36	Re-enacted, altering "decree" to "judgment"	O. 55, r. 46
" " r. 37	Verbally amended and in part re-enacted .	O. 55, r. 47
" " r. 39	Slightly but materially amended and re-enacted	O. 55, r. 48
" " r. 40	Re-enacted <i>ipsissimis verbis</i> .	O. 55, r. 54

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Cons. Or. 35, r. 43	Re-enacted <i>ipsissimis verbis</i> ..	O. 55, r. 57
" " r. 44	Slightly but materially amended, and re-enacted	O. 55, r. 59
" " r. 45	Re-written, verbally amended, cur- tailed and re-enacted . .	O. 55, r. 18
" " r. 46	Materially amended and re-enacted	O. 55, r. 68
" " r. 47	Verbally amended and re-enacted	O. 55, r. 66
" " r. 48	Verbally amended and curtailed and re-enacted	O. 55, r. 67
" " r. 52	Verbally amended and re-enacted	O. 55, r. 70
" " r. 53		
" " r. 54		
" " r. 55		
" " r. 57	Verbally amended and re-enacted	O. 55, r. 73
" " r. 58	Slightly but materially amended and re-enacted	O. 63, r. 12
" " r. 59	Verbally amended and re-enacted in part	O. 63, r. 14
" " r. 60	Re-written with a material addi- tion as to costs	O. 38, r. 11
Cons. Or. 37, r. 14	Verbally amended and materially extended	O. 64, r. 6
Cons. Or. 40, r. 2	Verbally amended and materially added to	O. 65, r. 18
" " r. 3	Re-enacted <i>ipsissimis verbis</i> .	O. 65, r. 19
" " r. 4	Verbally amended and re-enacted .	O. 65, r. 13
" " r. 5	Slightly amended and re-enacted ..	O. 16, r. 31
" " r. 7	Re-enacted with verbal alterations and unimportant omissions ...	O. 65, r. 27, reg. 31
" " r. 8	Verbally amended and re-enacted .	O. 65, r. 27, reg. 32
" " r. 12	Verbally amended and re-enacted ..	O. 65, r. 27, reg. 8
" " r. 20	Re-written and curtailed but sub- stantially re-enacted	O. 65, r. 27, reg. 47
" " r. 21	Verbally amended and extended to matters	O. 65, r. 27, reg. 50
" " r. 24	Verbally amended and re-enacted ..	O. 55, r. 58
" " r. 25	Re-enacted with verbal alterations, omissions and additions ...	O. 65, r. 27, reg. 26
" " r. 26	Re-enacted, adding "in the Ch.Div."	O. 65, r. 20
" " r. 27	Re-enacted <i>ipsissimis verbis</i> ..	O. 65, r. 21
" " r. 30	Re-enacted, omitting the words "in chambers "	O. 65, r. 22
" " r. 31	Re-enacted <i>ipsissimis verbis</i> . .	O. 54, r. 7
" " r. 37	Verbally amended and added to ..	O. 65, r. 23
" " r. 38	Re-enacted with material omissions and additions	O. 65, r. 27, reg. 33

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Cons. Or. 40, r. 39	Verbally amended and re-enacted .	O. 65, r. 27, reg. 34
„ „ r. 40	Verbally amended and re-enacted . .	O. 65, r. 27, reg. 35
Cons. Or. 41, r. 10	Re-enacted in part <i>ipsissimis verbis</i>	O. 55, r. 13
„ „ r. 11	Verbally amended and re-enacted	O. 65, r. 24
„ „ r. 12	Verbally amended and re-enacted	O. 65, r. 25
„ „ r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 55, r. 14
Cons. Or. 42, r. 3	Verbally amended and re-enacted .	O. 61, r. 30
„ „ r. 9	Re-enacted, twice altering “decree” to “judgment”	O. 55, r. 62
„ „ r. 10	Re-enacted, twice altering “decree” to “judgment,” and “suit” to “cause or matter”	O. 55, r. 63
„ „ r. 11	Re-enacted altering “decree” to “judgment”	O. 55, r. 64
„ „ r. 12	Re-enacted with an immaterial omission and addition	O. 61, r. 14
„ „ r. 13 }	Materially amended and re-enacted	O. 60, r. 4
„ „ r. 14 }		
Ch. Reg. as to fees 1860, sch. II. title “Attend- ances”	Extracted and re-written but sub- stantially re-enacted	{ O. 62, r. 15 O. 65, r. 27, reg. 11
Ch. Or. 20th Mch., 1860 r. 1	Verbally amended, curtailed, and in part re-enacted	O. 52, r. 19
„ „ r. 2	Verbally amended and re-enacted .	O. 52, r. 20
„ „ r. 3	Re-enacted with an immaterial addition	O. 52, r. 21
„ „ r. 4	Re-enacted with an immaterial ad- dition	O. 52, r. 22
23&24 Vic. c. 126 s. 12	Verbally amended and re-enacted .	O. 57, r. 3
„ „ s. 13	Verbally amended curtailed and re-enacted	O. 57, r. 12
„ „ s. 14	{ Slightly but materially amended and in part re-enacted Verbally amended and in part re-enacted	{ O. 57, r. 8 O. 57, r. 15
„ „ s. 15	Slightly amended and materially added to	O. 57, r. 9
„ „ s. 17	Materially amended and added to	O. 57, r. 11
„ „ s. 20	Entirely re-written but substantially re-enacted	O. 16, r. 3
„ „ s. 33	Materially amended and extended .	O. 42, r. 31
Ch. Or. 1 Feb. 1861 r. 1	Re-enacted with immaterial addi- tion	O. 22, r. 17
„ „ r. 2	Slightly but immaterially amended	O. 22, r. 18

FORMER STATUTE, RULE, ETC.	HOW DEALT WITH.	CORRESPONDING NEW RULE.
Ch. Or. 5 Feb. 1861 r. 15	Slightly and immaterially amended re-enacted in part and extended to matters	O. 37, r. 25
„ „ r. 24	Verbally amended and re-enacted, omitting married women . . .	O. 16, r. 21
24&25 Vic. c. 10, s. 16	Verbally amended curtailed and in part re-enacted	O. 57, r. 1
Ch. O. Nov. 1862, r. 19	Re-enacted in part	O. 50, r. 23
Ch. Or. 1865, r. 1	Verbally amended and in part re- enacted	O. 55, r. 47
„ „ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 55, r. 49
„ „ r. 3	Re-enacted <i>ipsissimis verbis</i> and a form prescribed	O. 55, r. 50
„ „ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 55, r. 51
„ „ r. 5	Re-enacted adding “ of creditors ” and forms prescribed	O. 55, r. 52
„ „ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 55, r. 53
„ „ r. 7	Re-enacted adding the words “ of creditors ”	O. 55, r. 55
„ „ r. 8	Re-enacted <i>ipsissimis verbis</i> and forms prescribed	O. 55, r. 56
„ „ r. 12	Verbally amended, and re-enacted, and a form prescribed	O. 55, r. 50
„ „ r. 13	Re-enacted and extended to claim- ants	O. 55, r. 61
R. G. 6th June, 1867	Slightly amended and re-enacted . .	O. 58, r. 19
R. G. M. T. 1869, r. 6	{ Slightly amended and in part re- enacted	O. 69, r. 1
„ „ r. 7	{ Verbally amended and in part re-enacted	O. 69, r. 2
„ „ r. 7	Slightly but materially amended and re-enacted	O. 69, r. 3
„ „ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 69, r. 4
„ „ r. 9	Verbally amended and re-enacted .	O. 69, r. 5
„ „ r. 10	Materially amended and re-enacted .	O. 69, r. 6
„ „ r. 11	Re-enacted with immaterial omis- sion	O. 69, r. 7
Ch. Or. 7 Jan. 1870, r. 1	Slightly and immaterially amended and re-enacted	O. 41, r. 5
Ad. R. 1871, r. 5	Verbally amended and re-enacted .	O. 13, r. 13

B. Rules of the Supreme Court; 1875 to May, 1883.

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 1; note at head of	Re-enacted <i>ipsissimis verbis</i> . . .	O. 72, r. 2
O. 1, r. 1	Verbally amended and re-enacted . .	O. 1, r. 1
„ r. 2	Slightly and immaterially amended, and in part re-enacted . . .	O. 57, r. 4
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 1, r. 2
O. 2, r. 1	Re-enacted <i>ipsissimis verbis</i> . .	O. 2, r. 1
„ r. 2	Verbally re-arranged and slightly added to	O. 2, r. 2
„ r. 3	Verbally amended and re-enacted . .	O. 2, r. 3
„ r. 3.a.	Incorporated in the new forms . .	A., part I., Nos. 5 & 9
(R. Jun. 1876, r. 2)		
O. 2, r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 2, r. 4
„ r. 5	Verbally amended and re-enacted . .	O. 2, r. 5
„ r. 6.a.	Re-enacted in part <i>ipsissimis verbis</i> . .	O. 2, r. 6
(R. Apl. 1880, r. 3)		
O. 2, r. 7	Verbally amended and re-enacted . .	O. 2, r. 7
„ r. 7.a.	Not re-enacted	
(R. Dec. 1875, r. 2)		
O. 2, r. 8	Slightly but materially added to, and re-enacted	O. 2, r. 8
O. 3, r. 1	Re-enacted <i>ipsissimis verbis</i> . .	O. 3, r. 1
„ r. 2	Re-enacted in part <i>ipsissimis verbis</i> . .	O. 3, r. 2
„ r. 3	Re-enacted altering “may” to “shall”	{ O. 3, r. 3 O. 53, r. 2
„ r. 4	Slightly added to and re-enacted . .	O. 3, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . .	O. 3, r. 5
„ r. 6	Re-enacted, materially extended and a new provision added . . .	O. 3, r. 6
„ r. 7	Re-enacted, altering “may” to “shall”	O. 3, r. 7
„ r. 8	Slightly amended and re-enacted . .	O. 3, r. 8
O. 4, r. 1	Verbally amended and re-enacted . .	O. 4, r. 1
„ r. 2	Verbally amended and re-enacted . .	O. 4, r. 2
„ r. 2.a.	Included in the two previous new rules	O. 4, rr. 1, 2
(R. Feb. 1876, r. 2)		
O. 4, r. 3.a.	Slightly amended and re-enacted . .	O. 4, r. 3
(R. Feb. 1876, r. 3)		

Table II.

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 5, r. 1	Re-enacted <i>ipsissimis verbis</i> ...	O. 5, r. 1
„ r. 1.a. (R.Apl. 1880, r.4)	Re-enacted <i>ipsissimis verbis</i> .	O. 5, r. 2
O. 5, r. 2	Verbally amended and re-enacted ..	O. 5, r. 3
„ r. 3	Re-enacted with immaterial addition of “a statement” ...	5, r. 4
„ r. 4	Re-enacted in part <i>ipsissimis verbis</i> .	O. 5, r. 5
„ r. 4.a. (R.Jun.1877, r.3)	Re-enacted but totally changed ..	O. 5, r. 9
O. 5, r. 4.a. (R.Mch.1879,r.23)	Not re-enacted	
O. 5, r. 5	Verbally amended and re-enacted .	O. 5, r. 10
„ r. 6	Re-enacted <i>ipsissimis verbis</i> ..	O. 5, r. 11
„ r. 7	Re-enacted <i>ipsissimis verbis</i> ...	O. 5, r. 12
„ r. 8 R. Jun. 1876, r.3 }	Verbally amended and re-enacted .	O. 5, r. 13
O. 5, r. 9	Re-enacted in part <i>ipsissimis verbis</i> ..	O. 5, r. 14
„ r. 10	Re-enacted <i>ipsissimis verbis</i> ...	O. 5, r. 15
„ r. 11 „ r. 11.a. (R.Feb.1876r.4) }	Slightly but materially amended and re-enacted	O.5,rr.16,17
O. 6, r. 1	Re-enacted <i>ipsissimis verbis</i> ..	O. 6, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 6, r. 2
O. 7, r. 1	Re-enacted with immaterial addition of “in writing”	O. 7, r. 1
„ r. 2	Re-enacted with slight immaterial additions	O. 7, r. 2
O. 8, r. 1	Re-enacted with immaterial altera- tions	O. 8, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 8, r. 2
O. 9, r. 1	Slightly but materially amended and re-enacted	O. 9, r. 1
„ r. 2	Re-enacted with slight but material addition	O. 9, r. 2
„ r. 3	Entirely re-written and substantially new	O. 9, r. 3
„ r. 4	Re-enacted with immaterial omission of four words	O. 9, r. 4
„ r. 5	Re-enacted with immaterial omission of two words	O. 9, r. 5
„ r. 6	Slightly amended and re-enacted ..	O. 9, r. 6
„ r. 6.a. (R. Jun.1876,r.4)	Slightly amended and re-enacted .	O. 9, r. 7
O. 9, r. 7	Re-enacted with slight alterations ..	O. 9, r. 8
„ r. 8	Re-enacted <i>ipsissimis verbis</i> ...	O. 9, r. 9
„ r. 9 (R.Dec. 1875,r.5) }	Re-enacted <i>ipsissimis verbis</i> .	O. 9, r. 11

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 9, r. 10 (R. Dec. 1875, r. 6)	Re-enacted and extended to warrants	O. 9, r. 12
O. 9, r. 11	Re-enacted and extended to warrants	O. 9, r. 13
„ r. 12	Re-enacted and extended to warrants	O. 9, r. 14
„ r. 13	Re-enacted <i>ipsissimis verbis</i> and added to	O. 9, r. 15
O. 10	Re-enacted with immaterial omission	O. 10
O. 11, r. 1	Materially amended, extended and added to	O. 11, r. 1
„ r. 1.a.	Entirely re-written	O. 11, r. 2
(R. Jun. 1875, r. 5)		
O. 11, r. 2	Re-enacted <i>ipsissimis verbis</i> . .	O. 11, r. 3
„ r. 3	Materially amended and added to . . .	O. 11, r. 4
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . .	O. 11, r. 5
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . .	O. 11, r. 7
O. 12, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 12, r. 1
„ r. 1.a.	Re-enacted and extended to admiralty actions	O. 12, r. 2, 3
(R. Apl. 1880, r. 5)		
O. 12, r. 2	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 4
„ r. 3	Verbally amended and re-enacted . . .	O. 12, r. 5
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 6
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 7
O. 12 r. 6.b.	Re-enacted and added to as to D.Rs. .	O. 12, r. 8, 9
(R. Apl., 1880, r. 6)		
O. 12 r. 7	Verbally amended and materially added to	O. 12, r. 10
„ r. 8	Verbally amended and re-enacted	O. 12, r. 11
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 12, r. 12
„ r. 10	Re-enacted with immaterial omission	O. 12, r. 13
„ r. 11	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 14
„ r. 12	Re-enacted with addition of “as partners”	O. 12, r. 15
„ r. 12.a.	Re-enacted <i>ipsissimis verbis</i> . . .	O. 12, r. 16
(R. Jun. 1876, r. 6)		
O. 12, r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 12, r. 17
„ r. 14	Re-enacted and extended to bail in admiralty	O. 12, r. 18
„ r. 15	Slightly amended and re-enacted . .	O. 12, r. 22
„ r. 16	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 23
„ r. 17	Re-enacted <i>ipsissimis verbis</i> . . .	O. 12, r. 24
„ r. 18	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 25
„ r. 19	Re-enacted <i>ipsissimis verbis</i> . .	O. 12, r. 26
„ r. 20	Verbally amended and re-enacted . .	O. 12, r. 27
„ r. 21	Verbally amended and re-enacted . .	O. 12, r. 28
„ r. 22	Re-enacted, altering “may” to “shall”	O. 12, r. 29

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 13, r. 1	Slightly but materially altered and re-enacted	O. 13, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 13, r. 2
„ r. 3	Re-written and slightly altered and added to	O. 13, rr. 3, 10
„ r. 4	Re-written and slightly but immaterially amended.	O. 13, r. 4
„ r. 5	Not re-enacted	
„ r. 5.a. (R. Dec. 1875, r. 7)	Verbally amended and re-enacted	O. 13, r. 11
O. 13, r. 6	Re-written and slightly but immaterially amended	O. 13, r. 5
„ r. 7	Re-enacted with immaterial addition of “by the writ”	O. 13, r. 8
„ r. 8	Re-enacted with immaterial addition of “mentioned”	O. 13, r. 9
„ r. 9	Slightly but materially amended, extended, and re-enacted	O. 13, r. 12
O. 14, r. 1 (R. May, 1877, r. 3)	Slightly amended and extended by a new provision to actions for the recovery of land	O. 14, r. 1
O. 14, r. 2	Materially amended and re-enacted	O. 14, r. 2
„ r. 3	Materially amended and re-enacted	O. 14, r. 3
„ r. 4	Re-enacted with omission of six immaterial words	O. 14, r.
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 14, r.
„ r. 6	Re-enacted but materially added to .	O. 14, r. 6
O. 15, r. 1	Re-written and verbally and slightly amended	O. 15, r. 1
„ r. 2	Re-enacted with material addition of “when necessary”	O. 15, r. 2
O. 16, r. 1	Re-enacted with immaterial omission and addition	O. 16, r. 1
„ r. 2	Re-enacted with immaterial verbal alteration and omissions	O. 16, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 16, r. 4
„ r. 4	Verbally amended and extended to matters	O. 16, r. 5
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 16, r. 6
„ r. 6	Re-enacted and extended to all causes and matters	O. 16, r. 7
„ r. 7	Verbally amended and extended to matters	O. 16, r. 8
„ r. 8	Re-enacted as to infants but amended as to married women	O. 16, r. 16
„ r. 9	Verbally amended and extended to matters	O. 16, r. 9

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 16, r. 9.a. (R.Jun. 1876, r.7)	Slightly but immaterially amended .	O. 16, r. 32
O. 16, r. 10	Materially amended and added to ..	O. 16, r. 14
„ r. 10.a. (R. Jun. 1876, r.8)	Re-enacted <i>ipsissimis verbis</i> ...	O. 16, r. 15
O. 16, r. 12.	Verbally but immaterially amended	O. 16, r. 10
O. 16, r. 12.a. (R.Apl. 1880, r.7)	Re-enacted with immaterial omission	O. 16, r. 44
O. 16, r. 12.b. (R.Apl. 1880, r. 8)	Slightly amended and extended to matters	O. 16, r. 47
O. 16, r. 13	Slightly but materially amended and extended to matters	O. 16, r. 11
„ r. 14	Re-enacted <i>ipsissimis verbis</i> ..	O. 16, r. 12
„ r. 15	Re-enacted with material addition of “or substituted” ...	O. 16, r. 13
„ r. 16	Not re-enacted	
„ r. 17	Entirely re-written and confined to co-defendants	O. 16, r. 55
„ r. 18	Verbally amended and slightly narrowed	O. 16, r. 48
„ r. 19	Not re-enacted	
„ r. 20	Materially amended and extended .	O. 16, r. 49
„ r. 21	Materially amended and extended ..	O. 16, rr. 52, 53
O. 17, r. 1	Re-enacted with immaterial addition and omission	O. 18, r. 1
„ r. 2	Re-enacted with material additions	O. 18, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 18, r. 3
„ r. 4	Re-enacted <i>ipsissimis verbis</i> ..	O. 18, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i> ...	O. 18, r. 5
„ r. 6	Re-enacted <i>ipsissimis verbis</i> ...	O. 18, r. 6
„ r. 7	Verbally amended and re-enacted .	O. 18, r. 7
„ r. 8	Verbally amended and re-enacted ..	O. 18, r. 8
„ r. 9	Slightly but immaterially amended	O. 18, r. 9
O. 18	Verbally amended and re-enacted	O. 16, r. 17
O. 19, r. 1	Slightly but immaterially amended	O. 19, r. 1
„ r. 2	Materially amended and re-enacted	O. 19, r. 2
„ r. 3	Re-enacted, omitting “statement of claim in a”	O. 19, r. 3
„ r. 4	Materially amended and a new provision added	O. 19, rr. 4, 5
„ r. 5	Re-enacted with immaterial omission	O. 19, r. 9
„ r. 5.a. (R.Jun. 1876, r.9)		
O. 19, r. 6	Re-enacted <i>ipsissimis verbis</i> .	O. 19, r. 10
„ r. 7	Slightly amended and re-enacted ..	O. 19, r. 11
„ r. 8	Materially amended and a new provision added	O. 20, r. 6

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 19, r. 9	Re-enacted, altering "facts" to "grounds"	O. 20, r. 7
" r. 10	Slightly but materially amended and re-enacted	O. 21, r. 10
" r. 11	Re-enacted <i>ipsissimis verbis</i>	O. 21, r. 5
" r. 12	Re-enacted <i>ipsissimis verbis</i>	O. 20, r. 9
" r. 13	Re-enacted <i>ipsissimis verbis</i>	O. 21, r. 20
" r. 14	Verbally amended and materially added to	O. 23, r. 6
" r. 15	Re-enacted with material addition	O. 21, r. 21
" r. 16	Materially amended and re-enacted	O. 19, r. 12
" r. 17	Re-enacted with material omission of "in an action"	O. 19, r. 13
" r. 18	Materially amended and re-enacted	O. 19, r. 15
" r. 19	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 16
" r. 20	Slightly amended and materially added to	O. 19, r. 17
" r. 21	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 18
" r. 22	Re-enacted with a slight amendment and omission	O. 19, r. 19
" r. 23	Materially amended and re-enacted	O. 19, r. 20
" r. 24	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 21
" r. 25	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 22
" r. 26	Re-enacted with material addition	O. 19, r. 23
" r. 27	Re-enacted with immaterial omission	O. 19, r. 24
" r. 28	Re-enacted <i>ipsissimis verbis</i>	O. 19, r. 25
" r. 29	Verbally amended and extended to matters	O. 35, r. 19
" r. 29 (a) (R.Mch.1879,r.4)	Verbally amended and extended to matters	O. 35, r. 21
O. 19, r. 30	Materially amended and added to	O. 19, r. 28
O. 20, r. 1	Verbally amended and re-enacted	O. 24, r. 1
" r. 2	Slightly but materially amended	O. 24, r. 2
" r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 24, r. 3
O. 21, r. 1	Materially amended and two new provisions added	O. 20, r. 1
" r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 20, r. 2
" r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 20, r. 3
" r. 4	Not re-enacted	
O. 22, r. 1	Re-enacted, altering eight to ten days	O. 21, r. 6
" r. 2	Slightly but materially amended, and re-enacted	O. 21, r. 7
" r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 21, r. 8
" r. 4	Re-enacted with immaterial addition of "or judge"	O. 21, r. 9
" r. 5	Verbally amended and re-enacted	O. 21, r. 11
" r. 6	Re-enacted <i>ipsissimis verbis</i>	O. 21, r. 12

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 22, r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O. 21, r. 13
„ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 21, r. 14
„ r. 9	Re-enacted with immaterial omission	O. 21, r. 15
„ r. 10	Re-enacted with immaterial addition of “or a judge”	O. 21, r. 17
„ r. 11	Re-enacted with immaterial addition .	O. 21, r. 18
O. 23, r. 1	Slightly amended and re-enacted . .	O. 26, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 26, r. 2
(R. Dec. 1879, r. 9)		
O. 23, r. 2	Slightly and immaterially amended but materially added to . . .	O. 26, r. 3
(R. Jun. 1876, r. 10)		
O. 24, r. 1	Slightly amended and re-enacted . .	O. 23, r. 1
„ r. 2	Re-enacted with immaterial addition	O. 23, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 23, r. 3
O. 25	Slightly amended and re-enacted . .	O. 23, r. 5
O. 26	Verbally amended and extended to matters	O. 33, r. 1
	Added to and extended	O. 19, r. 27
O. 27, r. 1	Slightly added to	O. 28, r. 1
„ r. 2	Slightly but materially added to and re-enacted	O. 28, r. 2
„ r. 3	Re-enacted with immaterial alter- ations and omissions	O. 28, r. 3
„ r. 4	Re-enacted with unimportant alter- ation of “seem” to “be”	O. 28, r. 4
„ r. 5	Not re-enacted; replaced by :— . .	O. 28, r. 5
„ r. 6	Re-enacted with immaterial alteration and omission	O. 28, r. 6
„ r. 7	Re-enacted with immaterial omis- sions and addition	O. 28, r. 7
„ r. 8	Re-enacted with unimportant verbal alterations and addition	O. 28, r. 8
„ r. 9	Slightly amended and added to . . .	O. 28, r. 9
„ r. 10	Slightly amended and added to . . .	O. 28, r. 10
„ r. 11	Not re-enacted	
(R. Feb. 1876, r. 6)		
O. 28, r. 1	Not re-enacted	
„ r. 2	Not re-enacted	
„ r. 3	Not re-enacted	
„ r. 4	Not re-enacted	
„ r. 5	Not re-enacted	
„ r. 6	Not re-enacted	
„ r. 7	Not re-enacted	
„ r. 8	Not re-enacted	
„ r. 9	Not re-enacted	
„ r. 10	Not re-enacted	
„ r. 11	Not re-enacted	
„ r. 12	Not re-enacted	

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 68, r. 13	Not re-enacted	
O. 29, r. 1	Verbally amended and re-enacted .	O. 27, r. 1
„ r. 2	Re-enacted, omitting the words “or demurrer”	O. 27, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 27, r. 3
„ r. 4	Slightly but materially amended and re-enacted	O. 27, r. 4
„ r. 5	Re-enacted with slight unimportant additions	O. 27, r. 5
„ r. 6	Re-enacted with addition of three material words	O. 27, r. 6
„ r. 7	Re-enacted <i>ipsissimis verbis</i>	O. 27, r. 7
„ r. 8	Re-enacted with material addition	O. 27, r. 8
„ r. 9	Re-enacted, omitting the words “or demurrer”	O. 27, r. 10
„ r. 10	Re-enacted, omitting two and adding three words	O. 27, r. 11
„ r. 11	Materially amended and re-enacted	O. 27, r. 12
„ r. 12	Materially amended and re-enacted	O. 27, r. 13
„ r. 13	Re-enacted, adding the words “or judge”	O. 27, r. 14
„ r. 14	Re-enacted <i>ipsissimis verbis</i>	O. 27, r. 15
O. 30, r. 1	Materially amended and added to	O. 22, rr. 1, 2
„ r. 2	Slightly but immaterially amended and (in part) re-enacted	O. 22, r. 4
„ r. 3	Considerably added to and (in part) re-enacted	O. 22, r. 5
„ r. 4	Materially amended and re-enacted	O. 22, r. 7
O. 31, r. 1	Materially amended, limited and added to	O. 31, r. 1
„ r. 2	Materially amended and extended to matters	O. 31, r. 3
„ r. 3	Re-enacted altering “may” to “shall”	O. 31, r. 4
„ r. 4	Verbally amended and extended to matters	O. 31, r. 5
„ r. 5	Verbally amended, extended to matters and (in part) re-enacted	O. 31, r. 6
(R. Nov. 1878, r. 3)	{ Materially amended, and extended and (in part) re-enacted .	O. 31, r. 7
O. 31, r. 6	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 8
„ r. 7		
„ r. 7. a. }		
(R. Jun. 1876	Re-enacted altering “may” to “shall”	O. 31, r. 9
r. 11)		
O. 31, r. 9	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 10
„ r. 10	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 11

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 31, r. 11	Verbally amended and re-enacted	O. 31, r. 14
„ r. 12	Materially added to and extended to matters	O. 31, r. 12
„ r. 13	Re-enacted altering “may” to “shall”	O. 31, r. 13
„ r. 14	Materially amended and added to	O. 31, r. 15
„ r. 15	Re-enacted with an unimportant addition	O. 31, r. 16
„ r. 16	Re-enacted with a material and important addition	O. 31, r. 17
„ r. 17	Re-enacted with material additions	O. 31, r. 18
„ r. 18	Re-enacted with an immaterial omission	
„ r. 19	Re-enacted and extended to matters	O. 31, r. 20
„ r. 20	Re-enacted <i>ipsissimis verbis</i>	O. 31, r. 21
„ r. 21	Re-enacted and extended to interrogatories	O. 31, r. 22
„ r. 22	Re-enacted and extended to interrogatories	O. 31, r. 23
„ r. 23	Slightly but materially amended and extended to matters	O. 31, r. 24
O. 32, r. 1	Verbally amended and extended to matters	O. 32, r. 1
„ r. 2	Slightly amended and extended to matters	O. 32, r. 2
„ r. 3	Re-enacted, altering “may” to “shall” and with a consequent addition	O. 32, r. 3
„ r. 4	Slightly amended and re-enacted	O. 32, r. 7
O. 33	Re-enacted <i>ipsissimis verbis</i>	O. 33, r. 2
O. 34, r. 1	Slightly but materially amended and extended to matters	O. 34, r. 1
„ r. 2	Re-enacted with an immaterial omission and extended to matters	O. 34, r. 2
„ r. 3	Re-enacted, adding the words “counsel or”	O. 34, r. 3
„ r. 4	Materially amended and extended to matters	O. 34, r. 4
„ r. 5	Re-enacted with a slight and unimportant addition and extended to matters	O. 34, r. 5
„ r. 6	Verbally amended and extended to matters	O. 34, r. 6
(R. Apl. 1880, r. 9)	Re-enacted in part and extended to matters	O. 34, r. 7
(R. Apl. 1880, r. 10)	Verbally amended and extended to matters	O. 35, rr. 1, 2
O. 35, r. 1.a.	Not re-enacted	
(R. Jun. 1876, r. 12)		
O. 35, r. 1.b.		
(R. Dec. 1879, r. 3)		

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 35, r. 2	Slightly but immaterially amended and re-enacted	O. 35, r. 3
„ r. 3	Materially added to, and extended to matters	O. 35, r. 4
„ r. 3.a. (R.Apl. 1880, r. 11)	Materially added to and amended, and extended to matters	O. 35, r. 5
O. 35, r. 4	Verbally amended and extended to matters	O. 35, r. 6
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 35, r. 7
„ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 35, r. 8
„ r. 7	Materially amended and re-enacted	O. 35, r. 9
„ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 35, r. 10
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 35, r. 11
„ r. 10	Verbally amended and extended to matters	O. 35, r. 12
„ r. 11 „ r. 11.a. (R. Dec. 1875, r. 10)	} Slightly amended and re-enacted .	O. 35, r. 13
O. 35, r. 12	Slightly amended and re-enacted with a material addition	O. 35, r. 14
„ r. 13	Verbally amended and extended to matters	O. 35, rr. 16, 17
„ r. 14	Materially amended and re-enacted	O. 35, r. 20
„ r. 15 (R. Dec. 1875, r. 11)	Re-enacted <i>ipsissimis verbis</i> . . .	O. 35, r. 23
O. 35, r. 16 (R. May 1880, r. 3)	Slightly amended and re-enacted	O. 35, r. 24
O. 36, r. 1	{ Slightly amended and re-enacted .	O. 20, r. 5
„ r. 2	{ Re-written and materially amended	O. 36, r. 1
„ r. 3	Entirely re-written and materially amended	O. 36, r. 7(a)
„ r. 4	{ Re-enacted but materially limited and amended	O. 36, r. 2
„ r. 4.a. (R. Jan. 1876, r. 13)	{ Re-written, materially amended and extended to matters	O. 36, r. 11
O. 36, r. 5	Re-enacted in part and verbally amended	O. 36, r. 12
„ r. 6	Re-enacted with an immaterial omission	O. 36, r. 12
„ r. 7	Verbally amended and extended to matters	O. 36, r. 8
„ r. 8	Verbally amended and re-enacted . . .	O. 36, r. 9
„ r. 8 (R. Dec. 1875, r. 12)	} Slightly amended and extended to matters	O. 36, r. 13
O. 36, r. 9	Materially amended and added to . .	O. 36, r. 14

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 36, r. 10	Re-enacted with addition of a new provision	O. 36, r. 15
„ r. 10.a. (R.Dec. 1875,r.13)	Verbally amended and re-enacted .	O. 36, r. 16
O. 36, r. 11	Verbally amended and re-enacted . .	O. 36, r. 17
„ r. 12	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 18
„ r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 19
„ r. 14	Verbally amended and re-enacted . .	O. 36, r. 20
„ r. 15.a. (R.Dec.1879,r. 4)	Materially and verbally amended and re-enacted	O.36,rr. 22-28
O. 36, r. 16	Entirely re-written and materially added to	O. 36, r. 29
„ r. 17	} Verbally amended and re-enacted . .	O. 36, r. 30
„ r. 17 (R.Dec.1876,r.14)		
O. 36, r. 18	Verbally amended and re-enacted . .	O. 36, r. 31
„ r. 19	Verbally amended and re-enacted . .	O. 36, r. 32
„ r. 20	Re-enacted <i>ipsissimis verbis</i>	O. 36, r. 33
„ r. 21	Re-enacted with a material addition	O. 36, r. 34
„ r. 22.a. (R.Dec. 1876,r.3)	Re-enacted with immaterial omission	O. 35, r. 39
O. 36, r. 23	Re-enacted, adding the words “ or master ”	O. 36, r. 41
„ r. 24	Slightly but materially amended and added to	O. 36, r. 42
„ r. 25	Not re-enacted	
„ r. 26	Verbally amended and re-enacted . .	O. 36, r. 4
„ r. 27	Verbally amended and re-enacted . .	O. 36, r. 6
„ r. 28	Re-enacted <i>ipsissimis verbis</i> . . .	O. 36, r. 43
„ r. 29	Verbally amended and extended to matters	O. 36, r. 44
O. 36, r. 29.a	Verbally amended and curtailed . . .	O. 36, r. 45
(R.Jun. 1876,r. 14)		
O. 36, r. 29.b	Verbally amended and re-enacted . .	O. 36, r. 46
(R.Jun. 1876,r. 15)		
O. 36, r. 29.c	Verbally amended and re-enacted . .	O. 36, r. 47
(R.Jun. 1876,r. 16)		
O. 36, r. 29.a	Not re-enacted	
(R. Dec. 1876,r. 4)		
O. 36, r. 30	Re-enacted, immaterially altering “ by ” to “ with ” in last line .	O. 36, r. 48
„ r. 31	Re-enacted with verbal addition and material omission	O. 36, r. 49
„ r. 32	Materially amended and extended . . .	O. 36, r. 50
„ r. 33	Re-enacted <i>ipsissimis verbis</i>	O. 36, r. 51
„ r. 34	Re-enacted <i>ipsissimis verbis</i>	O. 36, r. 52
(R.Meb. 1879,r. 5)		

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 37, r. 1	Re-enacted with unimportant verbal additions	O. 37, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 1
„ r. 3	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 3
„ r. 3.a	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 7
(R.Apl.1880,r. 12)		
O. 37, r. 3.b	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 8
(R.Apl.1880,r. 13)		
O. 37, r. 3.c	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 9
(R. Apl.1880,r. 14)		
O. 37, r. 3.d	Re-enacted with material additions	O. 38, r. 10
(R.Apl.1880,r. 15)		
O. 37, r. 3.e	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 12
(R.Apl.1880,r. 16)		
O. 37, r. 3.f	Verbally amended and re-enacted with the material addition of “ or blind ”	O. 38, r. 13
(R.Apl.1880,r. 17)		O. 38, r. 15
O. 37, r. 3.g	Verbally amended and re-enacted	
(R.Apl. 1880,r. 18)		
O. 37, r. 4	Verbally amended and re-enacted with immaterial omission	O. 37, r. 5
O. 38, r. 1	Verbally amended and re-enacted	O. 38, r. 25
„ r. 2	Verbally amended and re-enacted	O. 38, r. 26
„ r. 3	Verbally amended and re-enacted	O. 38, r. 27
„ r. 4	Slightly amended and re-enacted	O. 38, r. 28
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 38, r. 29
„ r. 6	Verbally amended and limited	O. 38, r. 30
O. 39, r. 1	Re-written and materially added to	O. 39, r. 1
(R.Dec.1876,r. 5)		
O. 39, r. 1.a	Materially amended and added to	O. 39, r. 4
(R.Mch.1876,r.6)		
O. 39, r. 2	Not re-enacted	
„ r. 3	Materially amended and added to	O. 39, r. 6
„ r. 4	Re-enacted with material omission of “ in an action ”	O. 39, r. 7
„ r. 5	Not re-enacted	
O. 40, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 40, r. 1
„ r. 2	Not re-enacted	
„ r. 3	Slightly but materially amended and re-enacted	O. 40, r. 2
„ r. 4	Slightly but materially amended and added to	O.40,rr.3,4,5
(R. Dec. 1876,r. 7)		
O. 40, r. 5	Slightly but materially amended and added to	O. 40, r. 6
and		
(R.Dec.1876 r.7) }		
O. 40, r. 8	Slightly but materially amended and re-enacted	O. 40, r. 7

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 40, r. 8	Verbally amended and re-enacted .	O. 40, r. 8
„ r. 9	Slightly but materially amended, and re-enacted	O. 40, r. 9
„ r. 10	Verbally amended and materially added to	O. 40, r. 10
„ r. 11	Materially amended, curtailed, and extended to matters .	O. 32, r. 6
O. 41, r. 1	Slightly but materially amended and re-enacted	O. 41, r. 1
„ r. 1.a.	Re-enacted, omitting obsolete words	O. 41, r. 2
(R.Apl.1880,r.19)		
O. 41, r. 2	Materially amended and added to . . .	O. 41, r. 3
„ r. 3	Re-enacted <i>ipsissimis verbis</i> .	O. 41, r. 4
„ r. 4	Re-enacted with immaterial omission of “or signed”	O. 41, r. 6
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 41, r. 7
„ r. 6	Not re-enacted	
O. 41.a.	Re-enacted, adding the words “or summons”	O. 28, r. 11
(R.Dec.1879, r.5)		
O. 42, r. 1	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 3
„ r. 2	Re-enacted <i>ipsissimis verbis</i> .	O. 42, r. 4
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 5
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 6
„ r. 5	Re-enacted <i>ipsissimis verbis</i> .	O. 42, r. 7
„ r. 6	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 8
„ r. 7	Re-enacted, twice adding the words “or order”	O. 42, r. 9
„ r. 8	Materially amended and re-enacted .	O. 42, r. 10
„ r. 9	Re-enacted omitting the word “judg- ment” and adding “or order”	O. 42, r. 11
„ r. 10	Re-enacted, altering “may” to “shall”	O. 42, r. 12
and		
R.Jun.1876,r.17		
O. 42, r. 11	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 13
„ r. 12	Re-enacted, altering “may” to “shall”	O. 42, r. 14
„ r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 42, r. 15
„ r. 14	Re-enacted and extended to orders .	O. 42, r. 16
„ r. 15	Materially amended and extended to orders	O. 42, r. 17
„ r. 15.a.	Verbally amended, extended to or- ders, and made universal . . .	O. 42, r. 18
(R.Apl.1880,r.20)		
O. 42, r. 16	Verbally amended and re-enacted .	O. 42, r. 20
„ r. 17	Re-enacted <i>ipsissimis verbis</i> . .	O. 42, r. 21
„ r. 18	Re-enacted and extended to orders	O. 42, r. 22
„ r. 19	Materially amended and re-enacted	O. 42, r. 23
„ r. 20	Re-enacted with immaterial omission and addition	O. 42, r. 24

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 43, r. 21	Verbally amended and extended to matters	O. 42, r. 26
„ r. 22	Re-enacted <i>ipsissimis verbis</i>	O. 42, r. 27
„ r. 23	Re-enacted with immaterial omission	O. 42, r. 28
„ r. 24	Re-enacted <i>ipsissimis verbis</i>	O. 42, r. 29
O. 43, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 43, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 43, r. 5
O. 44, r. 1	Verbally amended and re-enacted	O. 44, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 44, r. 2
O. 45, r. 1	Materially amended and extended	O. 42, r. 32
„ r. 2	Verbally amended and extended to orders	O. 45, r. 1
„ r. 3	Verbally amended and extended to orders	O. 45, r. 2
„ r. 4	Verbally amended and extended to orders	O. 45, r. 3
„ r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 45, r. 4
„ r. 6	Re-enacted <i>ipsissimis verbis</i>	O. 45, r. 5
„ r. 7	Verbally amended and re-enacted	O. 45, r. 6
„ r. 8	Verbally amended and extended to orders	O. 45, r. 7
„ r. 9	Re-enacted <i>ipsissimis verbis</i>	O. 45, r. 8
„ r. 10	Re-enacted <i>ipsissimis verbis</i>	O. 45, r. 9
O. 46, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 46, r. 1
„ r. 2.a.	Re-enacted <i>ipsissimis verbis</i>	O. 46, r. 2
(R.Apl.1880,r.21)		
O. 46, r. 3	Re-enacted with immaterial omission	O. 46, r. 3
(R.Apl.1880,r.22)		
O. 46, r. 4	Slightly but materially amended and re-enacted	O. 46, r. 4
(R.Apl.1880,r.23)		
O. 46, r. 5	Re-enacted <i>ipsissimis verbis</i>	O. 46,rr.5,6
(R.Apl.1880,r.24)		
O. 46, r. 6	Verbally amended and re-enacted	O. 46, r. 7
(R.Apl.1880,r.25)		
O. 46, r. 7	Materially amended and re-enacted	O. 46, r. 8
(R.Apl.1880,r.26)		
O. 46, r. 8	Not re-enacted	
(R.Apl.1880,r.27)		
O. 46, r. 9	Slightly but materially amended and re-enacted	O. 46, r. 9
(R.Apl.1880,r.28)		
O. 46, r. 10	Re-enacted with slight addition and material omission	O. 46, r. 10
(R.Apl.1880,r.29)		
O. 46, r. 11	Verbally amended and re-enacted	O. 46, r. 11
(R.Apl.1880,r.30)		
O. 47, r. 1	Verbally amended and extended to orders	O. 43, r. 6
„ r. 2	Re-enacted <i>ipsissimis verbis</i>	O. 43, r. 7
(R.Apl.1880,r.31)		

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 48, r. 1	Verbally amended and extended to orders	O. 47, r. 1
„ r. 2	Re-enacted and extended to orders	O. 47, r. 2
O. 49	Re-enacted and incorporated . . .	O. 48, r. 1
O. 50, r. 1	Verbally amended, extended to matters and a new provision added	O. 17, r. 1
„ r. 2	Verbally amended and extended to matters	O. 17, r. 2
„ r. 3	Verbally amended, and extended to matters	O. 17, r. 3
„ r. 4	Verbally amended and extended to matters	O. 17, r. 4
„ r. 5	Verbally amended and extended to matters	O. 17, r. 5
„ r. 6	Verbally amended and extended to matters	O. 17, r. 6
„ r. 7	Verbally amended and extended to matters	O. 17, r. 7
O. 51, r. 1	Verbally amended and extended to matters	O. 49, r. 1
„ r. 1.a (R.Jun.1877,r.4)	Verbally amended and extended to matters and orders	O.49, r. 2
O. 51, r. 2	Verbally amended and extended to orders	O. 49, r. 3
„ r. 2.a (R.Jun.1876,r.18)	Verbally amended and extended to matters	O. 49, r. 5
O. 51, r. 3	Verbally amended, limited to Ch. Div., and extended to matters . .	O. 49, r. 7
„ r. 4	Verbally amended, limited to same div, and extended to matters . .	O. 49, r. 8
O. 52, r. 1	Re-enacted <i>ipsissimis verbis</i> . .	O. 50, r. 1
„ r. 2	Verbally amended and re-enacted . .	O. 50, r. 2
„ r. 3	Materially amended and extended to matters	O. 50, r. 3
„ r. 4	Verbally amended and re-enacted . .	O. 50, r. 6
„ r. 5	Verbally amended and re-enacted . .	O. 50, r. 7
„ r. 6	Re-enacted, omitting the words “statement of ”	O. 50, r. 8
„ r. 6.a (R.Mch.1879,r.7)	Materially amended and re-enacted .	O. 50, r. 10
O. 52, r. 8	Re-enacted <i>ipsissimis verbis</i> . .	O. 50, r. 11
(R.Apl.1880,r.32)		
O. 53, r. 1	Re-enacted and extended to matters	O. 52, r. 1
„ r. 2	Re-enacted and materially extended	O. 52, r. 2
„ r. 3	Verbally amended and re-enacted . .	O. 52, r. 3
„ r. 4	Re-enacted with a material addition	O. 52, r. 5
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 52, r. 6

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 53, r. 6	Re-enacted <i>ipsissimis verbis</i> .	O. 52, r. 7
„ r. 7	Re-enacted, omitting the words “in the action”	O. 52, r. 8
„ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 52, r. 9
O. 54, r. 1	Re-enacted with verbal omissions and a material addition . . .	O. 54, r. 1
„ r. 2	Materially amended and added to . .	O. 54, r. 12
„ r. 2.a		
(R. Jun. 1876, r. 19)		
O. 54, r. 2.a.		
(R. Nov. 1878, r. 4)		
O. 54, r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 54, r. 20
„ r. 4	Materially amended and re-enacted .	O. 54, r. 21
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 54, r. 22
„ r. 6	Re-enacted omitting C.P. and Exch. Divs.	O. 54, r. 24
(R. Mch. 1879, r. 8)	Re-enacted, omitting C.P. and Exch. Divs., and excluding D.Rs. . .	O. 54, r. 25
O. 54, r. 7	Verbally amended and re-enacted . .	O. 54, r. 10
(R. Apl. 1880, r. 33)	Slightly amended and re-enacted . .	O. 54, r. 11
O. 54, r. 8		
(R. Apl. 1880, r. 34)		
O. 54, r. 9		
(R. Apl. 1880, r. 35)		
O. 54, r. 10	Verbally amended and re-enacted . .	O. 54, r. 26
(R. Apl. 1880, r. 36)		
O. 54, r. 10.a.		
(R. May 1880, r. 4)	Re-enacted <i>ipsissimis verbis</i> . .	O. 54, r. 27
O. 54, r. 11		
(R. Apl. 1880, r. 37)	{ Materially added to and in part re- enacted	O. 54, r. 5
O. 54, r. 12		
(R. Apl. 1880, r. 38)		
O. 54, r. 13	{ Re-enacted in part <i>ipsissimis verbis</i>	O. 54, r. 28
(R. Apl. 1880, r. 39)	Re-enacted <i>ipsissimis verbis</i> . . .	O. 54, r. 29
O. 54, r. 14	Not re-enacted	
(R. Apl. 1880, r. 40)		
O. 55, r. 1	Materially amended and added to and extended to matters . .	O. 65, r. 1
O. 55, r. 1	Re-enacted, omitting the words “time or”	O. 65, r. 6
(R. Feb. 1876, r. 7)	Re-enacted, adding the word “shall”	O. 65, r. 7
O. 55, r. 3		
(R. Apl. 1880, r. 41)	Verbally amended and re-enacted . .	O. 66, r. 1
O. 56, r. 1	Re-enacted <i>ipsissimis verbis</i>	O. 66, r. 3
„ r. 2		

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 56, r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 66, r. 4
O. 57, r. 1	Materially amended and added to .	O. 64, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 64, r. 2
„ r. 3	Re-enacted <i>ipsissimis verbis</i> . . .	O. 64, r. 3
„ r. 4	Re-enacted <i>ipsissimis verbis</i> . . .	O. 64, r. 4
„ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 64, r. 5
„ r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 64, r. 7
„ r. 6.a.	Materially added to and extended .	O. 64, r. 8
(R.Apl.1880,r.42)		
O. 57, r. 7	Verbally amended and re-enacted . .	O. 64, r. 9
(R.Feb.1876, r.8)		
O. 57, r. 8	Materially amended and re-enacted .	O. 64, r. 11
(R.Apl.1880,r.43)		
O. 57.A., r. 1	Verbally amended and re-enacted . . .	O. 59, r. 1
(R.Dec.1876,r. 8)		
O. 57.A., r. 2	Verbally amended and extended to	
(R.Dec.1876, r.9)	matters	O. 59, r. 2
O. 57.A., r. 3	Not re-enacted	
(R.Dec.1876,r.10)		
O. 58, r. 1	Not re-enacted	
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 1
„ r. 3	Verbally amended and re-enacted . .	O. 58, r. 2
„ r. 4	Materially amended and re-enacted .	O. 58, r. 3
„ r. 5	Materially amended and re-enacted .	O. 58, r. 4
„ r. 5.a.	Materially amended and re-enacted .	O. 58, r. 5
(R.Mch.1879,r.9)		
O. 58, r. 6	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 6
„ r. 7	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 7
„ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 8
„ r. 9	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 9
„ r. 10	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 10
„ r. 11	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 11
„ r. 12	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 12
„ r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 13
„ r. 14	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 14
„ r. 15	Materially amended and added to .	O. 58, r. 15
„ r. 16	Re-enacted, omitting the word “so”	O. 58, r. 16
„ r. 17	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 17
„ r. 18	Re-enacted <i>ipsissimis verbis</i> . . .	O. 58, r. 18
„ r. 19	Materially amended and re-enacted	O. 59, r. 4
(R.Dec. 1876,r. 11)		
O. 59, r. 1	Materially amended and re-enacted	O. 70, r. 1
„ r. 2	Verbally amended and re-enacted	O. 28, r. 12
(R.Apl.1880, r. 44)		
O. 60, r. 1	Verbally amended curtailed and re-	
	enacted	O. 60, r. 1
„ r. 2	Re-enacted <i>ipsissimis verbis</i> . . .	O. 60, r. 2

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 60, r. 3 (R.Dec. 1879, r. 6)	Re-enacted <i>ipsissimis verbis</i> ...	O. 60, r. 3
O. 60.A, r. 1 (R.Dec. 1879, r. 7)	Materially amended and re-enacted	O. 61, r. 1
O. 60.A, r. 2 (R.Dec. 1879, r. 8)	Verbally amended and materially added to	O. 61, r. 2
O. 60.A, r. 3 (R. Dec. 1879, r. 9)	Verbally amended and re-enacted. . .	O. 61, r. 3
O. 60.A, r. 4 (R.Dec.1879, r. 10)	Re-enacted <i>ipsissimis verbis</i> .	O. 61, r.5
O. 60.A, r. 5 (R.Apl. 1879, r.45)	Re-enacted <i>ipsissimis verbis</i> ..	O. 61,rr.6,7
O. 60.A, r. 6 (R.Apl. 1879, r.46)	Re-enacted <i>ipsissimis verbis</i> ...	O. 61, r. 9
O. 60.A, r. 7 (R.Apl.1879, r. 47)	Re-enacted <i>ipsissimis verbis</i> .	O. 61, r. 22
O. 60.A, r. 8.a (R. May, 1880, r.5)	Re-enacted <i>ipsissimis verbis</i> ..	O. 61, r. 23
O. 60.A, r. 9 (R.Apl. 1880, r.49)	Slightly but immaterially amended and re-enacted	O. 61, r. 25
O. 60.A, r. 10 (R. Apl.1880,r. 50)	Verbally amended and re-enacted	O.61rr.26,27
O. 60A, r. 11 (R. Apl, 1880r.51)	Re-enacted <i>ipsissimis verbis</i> ...	O. 61, r. 28
O. 60.A, r.12 (R.Apl.1880, r.52)	{ Re-enacted in part	O. 37, r. 6
O. 60.B, r. 1 (R. Dec. 1882, r.3)	{ Verbally amended and re-enacted	O.61,rr.32,33
O. 60.B, r. 2 (R. Dec.1882, r. 4)	Not repealed	
O. 60.B, r. 3 (R.Dec. 1882, r. 5)	Not repealed	
O. 60.B, r. 4 (R.Dec. 1882, r. 6)	Not repealed	
O. 60.B, r. 5 (R.Dec. 1882, r. 7)	Not repealed	
O. 60.B, r. 6 (R.Dec. 1882, r. 8)	Not repealed	
O. 61, r. 1 ,, r. 2 ,, r. 2.a (R.Mch.1879,r. 10)	Re-enacted <i>ipsissimis verbis</i> .. Re-enacted <i>ipsissimis verbis</i> ... Not re-enacted	O. 63, r. 1 O. 63, r. 4
O. 61, r. 3 ,, r. 4	Re-enacted <i>ipsissimis verbis</i> . Re-enacted with addition of Easter Eve	O. 63, r. 5 O. 63, r. 6
,, r. 4.a (R.Dec.1875,r. 15)	Re-enacted <i>ipsissimis verbis</i> ...	O. 63, r. 7

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O. 61, r. 4.a (R. Feb. 1876, r. 9)	Slightly amended and re-enacted .	O. 63, r. 8
O. 61, r. 4.c (R. Apl. 1880, r. 53)	Re-enacted <i>ipsissimis verbis</i> ..	O. 63, r. 9
O. 61, r. 4.d (R. May, 1880, r. 6)	Re-enacted <i>ipsissimis verbis</i> ...	O. 63, r. 10
O. 61, r. 5	Verbally amended and re-enacted .	O. 63, r. 11
„ r. 6	Verbally amended and re-enacted ..	O. 63, r. 12
„ r. 7	Entirely re-written but substantially re-enacted ...	O. 63, r. 15
„ r. 10 (R. Feb. 1876, r. 10)	Re-enacted, altering “ 2 ” to “ 1 ” p.m.	O. 63, r. 16
O. 62, r. 1 (R. Apl. 1880, r. 54)	Slightly amended and re-enacted in part.	O. 68, r. 1
O. 62, r. 2 (R. Apl. 1880, r. 55)	Re-enacted and materially extended by new provisions ...	O. 68, r. 2
O. 62, r. 3 (R. Apl. 1880, r. 56)	Not re-enacted	
O. 62, r. 4 (R. Apl. 1880, r. 57)	Not re-enacted	
O. 62, r. 5 (R. Apl. 1880, r. 58)	Materially amended and re-enacted .	O. 70, r. 1
O. 62, r. 6 (R. Apl. 1880, r. 59)	Incorporated and re-enacted .	O. 68, r. 2
O. 63, r. 1 „ r. 2 (R. Apl. 1880, r. 60)	Materially added to and re-enacted .	O. 71, r. 1
O. 64 (R. Apl. 1880, r. 61)		
O. 64 (R. Apl. 1880, r. 62)	Not re-enacted	
O. 64 (R. Apl. 1880, r. 63)	Re-enacted <i>ipsissimis verbis</i> ..	O. 61, r. 10
O. 1 (costs)	Re-enacted <i>ipsissimis verbis</i> ...	O. 61, r. 11
„ 2 „	Re-enacted with an unimportant omission	O. 66, r. 5
„ 3 „	Re-enacted <i>ipsissimis verbis</i> ..	O. 66, r. 6
„ 4.a „	Verbally amended and limited ...	O. 38, r. 30
(R. Apr. 1880, r. 64)	Repealed and the former law restored	O. 34, r. 8
O. 5 (costs)	Slightly but materially amended and re-enacted	O. 66, r. 7
O. 6 (costs)	Not re-enacted	O. 65, rr. 8, 9
„ „ sch. r. 1	Materially amended and re-enacted	O. 65, r. 27, reg. 1
„ „ „ r. 2	Re-enacted <i>ipsissimis verbis</i> ...	O. 65, r. 27, reg. 2

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O.6 (costs)sch.r. 3	Slightly but materially amended and re-enacted	O. 65, r. 27, reg. 3
„ „ „ r. 4	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 4
„ „ „ r. 5	Re-enacted <i>ipsissimis verbis</i> . . .	O. 65, r. 27, reg. 5
„ „ „ r. 6	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 6
„ „ „ r. 7	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 7
„ „ „ r. 8	Re-enacted <i>ipsissimis verbis</i> . . .	O. 65, r. 27, reg. 9
„ „ „ r. 9	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 10
„ „ „ r. 10	Re-enacted, thrice omitting the word “above”	O. 65, r. 27, reg. 12
„ „ „ r. 11	Verbally amended and re-enacted .	O. 65, r. 27, reg. 13
„ „ „ r. 12	Materially amended and re-enacted .	O. 65, r. 27, reg. 14
„ „ „ r. 13	Re-enacted <i>ipsissimis verbis</i> . . .	O. 65, r. 27, reg. 15
„ „ „ r. 14	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 16
„ „ „ r. 15	Re-enacted <i>ipsissimis verbis</i> . .	O. 65, r. 27, reg. 17
„ „ „ r. 16	Re-enacted <i>ipsissimis verbis</i> . . .	O. 65, r. 27, reg. 18
„ „ „ r. 17	Materially amended and re-enacted .	O. 65, r. 27, reg. 19
„ „ „ r. 18	Materially amended, extended, and new provisions added . .	O. 65, r. 27, reg. 20
„ „ „ r. 19	Slightly but materially amended and re-enacted	O. 65, r. 27, reg. 21
„ „ „ r. 20	Re-enacted <i>ipsissimis verbis</i> . . .	O. 65, r. 27, reg. 22
„ „ „ r. 21	Re-enacted <i>ipsissimis verbis</i> .	O. 65, r. 27, reg. 23
„ „ „ r. 22.a (R.Apl.1880,r. 65)	Materially amended, extended and added to	O. 65, r. 27, reg. 24
O. 6 (costs)sch.r.23	Slightly amended and re-enacted . . .	O. 65, r. 27, reg. 25
„ „ „ r. 24	Re-enacted <i>ipsissimis verbis</i> .	O. 65, r. 27, reg. 27

NUMBER OF OLD RULE.	HOW DEALT WITH.	NUMBER OF CORRESPONDING NEW RULE.
O.6(costs)sch.r.25	Re-enacted <i>ipsissimis verbis</i> .	O. 65, r. 27 reg. 28
" " " r. 26	Re-enacted <i>ipsissimis verbis</i> ..	O. 65, r. 27 reg. 29
" " " r. 27	Re-enacted <i>ipsissimis verbis</i> ...	O. 65, r. 27 reg. 30
" " " r. 28	Verbally amended and re-enacted .	O. 65, r. 27 reg. 37
" " " r. 29	Re-enacted and a new provision added	O. 65, r. 27 reg. 38
" " " r. 30	Materially amended and re-enacted	O. 65, r. 27 reg. 39
" " " r. 31	Re-enacted <i>ipsissimis verbis</i> ..	O. 65, r. 27 reg. 40
" " " r. 32	Materially amended and re-enacted	O. 65, r. 27 reg. 41
" " " r. 33	Re-enacted <i>ipsissimis verbis</i> ..	O. 65, r. 27 reg. 42
" " " r. 34	Verbally amended and re-enacted	O. 65, r. 27 reg. 43
R. May, 1883, r. 1	Verbally amended and re-enacted in part	O. 62, r. 18
" " r. 2	Re-enacted with immaterial altera- tion and addition .	O. 16, r. 18
" " r. 3	Re-enacted <i>ipsissimis verbis</i> ..	O. 16, r. 19
" " r. 4	Re-enacted with immaterial altera- tion of "a" to "any" ...	O. 16, r. 41
" " r. 5	Re-enacted <i>ipsissimis verbis</i> .	O. 12, r. 30
" " r. 6	Re-enacted and extended to D.Rs. .	O. 7, r. 3
" " r. 7	Re-enacted <i>ipsissimis verbis</i> ...	O. 37, r. 3
" " r. 8	Re-enacted <i>ipsissimis verbis</i> .	O. 52, r. 11
" " r. 9	Verbally amended and re-enacted ..	O. 52, r. 15
" " r. 10	Materially amended and re-enacted	O. 52, r. 14
" " r. 11	Not re-enacted	

TABLE III.

Showing the new provisions in the New Rules, not being mere amendments.

NUMBER OF NEW RULE.	SUBJECT MATTER.
O. 3, r. 6 (part)	SPECIAL INDORSEMENT of writ in certain actions for recovery of land.
O. 4, r. 4	INDORSEMENT OF ADDRESS on proceeding commencing otherwise than by writ of summons.
O. 5, r. 6	ASSIGNMENT OF ACTIONS to masters.
„ r. 7	Transfer thereof.
„ r. 8	Absence of master from illness, etc.
„ r. 9	Chancery causes and matters.
O. 8, r. 3	LOST WRIT OF SUMMONS; sealing copy.
O. 9, r. 10	SERVICE OF WRIT OF SUMMONS, when unnecessary in admiralty actions.
O. 13, r. 6	DEFAULT OF APPEARANCE; detention and (or) damages; several defendants, some appearing, some not.
„ r. 7	Detention and (or) damages, and debt or liquidated demand.
„ r. 14	Suggestion of breaches in action on bond.
O. 14, r. 1 (part)	JUDGMENT NOTWITHSTANDING APPEARANCE in actions for recovery of land.
O. 16, r. 50	THIRD PARTIES; default of appearance by third party; judgment by default against defendant; judgment against third party.
„ r. 51	Default of appearance by third party; trial or decision for plaintiff; judgment for defendant against third party.
„ r. 54	Costs.

NUMBER OF NEW RULE.	SUBJECT MATTER.
O. 17, r. 1(part)	DEATH; no abatement on death between verdict and judgment.
O. 19, r. 4	PLEADINGS; signature necessary.
„ r. 6	Particulars.
„ r. 7	Further and better particulars.
„ r. 26	Technical or formal objections prohibited.
O. 20, r. 1 (a)	STATEMENT OF CLAIM. None, where writ special indorsed.
„ r. 1 (b)	Unnecessary where not demanded.
O. 20, r. 4	Amendment without amendment of writ.
„ r. 6	Prayer for general relief unnecessary.
„ r. 8	Account stated, or relied on as evidence.
O. 21, r. 4	DEFENCE. Damages deemed in issue.
„ r. 16	Counterclaim may be proceeded with notwithstanding action dismissed, etc.
O. 22, r. 3	PAYMENT INTO AND OUT OF COURT. When tender pleaded.
„ r. 6	Where liability denied.
„ r. 8	Where actions consolidated.
„ r. 9	To counter-claim.
„ r. 10	Under certificate of master or associate.
„ r. 11	Payment, where paid in under order or certificate.
„ r. 12	Under Chancery Funds Acts, 1872.
„ r. 13	Paid into the Bank of England for the Q. B. D.
„ r. 14	Money now in Q. B. D. subjected to new rules.
„ r. 15	Payment in and investment of money recovered by persons under disability.
„ r. 16	Sale, transfer, and payment out thereof, and of dividends thereof.
O. 23, r. 4	REPLY to counterclaim
O. 25, r. 1	PROCEEDINGS IN LIEU OF DEMURRER. Abolition of demurrers.
„ r. 2	Raising points of law.
„ r. 3	Decision thereon disposing of whole action.
„ r. 4	Striking out pleadings showing no reasonable cause of action or defence, and staying action, or giving judgment, where action or defence frivolous or vexatious.
O. 26, r. 4	DISCONTINUANCE. Staying second action until payment of costs of first action.
O. 27, r. 9	DEFAULT OF PLEADING. Judgment for unanswered part of plaintiff's claim.
O. 28, r. 5	AMENDMENT. Time to plead, and pleading, to amended pleading.
„ r. 13	Costs.

NUMBER OF NEW RULE.	SUBJECT MATTER.
O. 29, r. 9	RELEASES IN ADMIRALTY ACTIONS. Telegram to principal registry where action in D. R., before release issued.
,, r. 13	Also before warrant to arrest issued.
O. 30, r. 1	SUMMONS FOR DIRECTIONS; when, and for what, issued.
,, r. 2	Form, contents, and hearing.
,, r. 3	Subsequent application for matter which might have been included in first: costs.
O. 31, r. 2	DISCOVERY AND INSPECTION. Interrogatories after offer of particulars, admission, or inspection.
,, r. 19	Limited inspection of court rolls.
,, r. 25	Security for costs of discovery or interrogatories.
,, r. 26	Amount to be paid into court.
,, r. 27	Payment out, and lien thereon.
,, r. 28	Answers, or affidavit of documents, by officer in action against sheriff.
O. 32, r. 4	ADMISSIONS. Notice to admit facts.
,, r. 5	Forms of notice, and admissions.
,, r. 9	Costs of prolix notices to admit or produce.
O. 35, r. 15	DISTRICT REGISTRIES. Certificate that defence not delivered, to accompany notice of removal.
,, r. 18	Notice of London address for service, where cause or matter removed.
,, r. 22	Taking affidavits or records out of D. R.
O. 36, r. 3	TRIAL. Chancery causes or matters, by judge alone.
,, r. 5	Without a jury, when prolonged examination of documents, or scientific or local investigation, required.
,, r. 10	Saving of provisions of Common Law Procedure Acts as to arbitration.
,, r. 15* (part)	Power to enter trial before pleadings closed.
,, r. 37	Particulars in libel or slander before evidence in mitigation of damages admissible.
,, r. 38	Disallowance of vexatious or irrelevant questions on cross-examination.
,, r. 40	Official note of commencement and termination of trial.
,, r. 53	Notice by referee that report ready.
,, r. 54	Further consideration; adoption of report.
,, r. 55	Motion on report, where cause, etc., not adjourned on further consideration.
,, r. 56	Application of certain rules to writs of inquiry.
,, r. 58	Assessment of damages on continuing cause of action.
O. 37, r. 4	EVIDENCE. Office copies receivable in evidence between parties.

NUMBER OF NEW RULE.	SUBJECT MATTER.
O. 38, r. 2	AFFIDAVITS. Proximity in titles : costs.
„ r. 14	Reception of defective, or irregular affidavit.
O. 39, r. 2	MOTION FOR NEW TRIAL. Judge who presided at trial not to sit on motion for new trial.
„ r. 3	Application to be by notice of motion : grounds, etc. to be stated.
„ r. 5	Amendment of notice.
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and bear date when issued, O. 67, r. 10.

Service of ; see SERVICES *infra*.

Interveners, appearance of and affidavit by, O. 12, r. 24.

Minute book shall be kept, O. 66, r. 9.

Minute on filing instrument or document, O. 66, r. 8.

Notice of motion with the affidavits shall be filed three days
before the motion, unless by leave ; and a copy of the
notice and affidavits shall be served before the originals
are filed, O. 52, r. 10.

Payment into court shall be to the account of "The Admiralty
Registrar" at the Bank of England (Law Courts Branch)
O. 22, r. 19.

Payment out shall only be by order, O. 22, r. 20.

Solicitor may enter caveat in "Caveat Payment Book,"
O. 22, r. 21.

Possession, writ of, form H. 9.

Preliminary acts shall be filed in collision actions before any
pleadings are delivered, O. 19, r. 28.

Contents and opening of, O. 19, r. 28.

References, in, O. 56 shall apply, whether reference be to regis-
trar alone or to registrar and merchants, O. 56, r. 1.

Claim and affidavits shall be filed within twelve days from
the order of reference, O. 56, r. 2.

Counter affidavits shall be filed within twelve days
from the claim and affidavits, O. 56, r. 2.

Further affidavits shall be filed in six days from the
counter affidavits, unless by leave, O. 56, r. 3.

Costs of the reference may be dealt with by the registrar
in the report, O. 56, r. 8.

Admiralty Action (*continued*).

Costs of shorthand writer shall be borne in the first instance by party applying therefor, O. 56, r. 6.

Evidence may be given by affidavit, O. 37, r. 2.

Hearing, notice to place reference on list for, shall be filed by claimant within three days from the time allowed for filing the last affidavits, O. 56, r. 4.

In default, adverse solicitor may apply to have the claim dismissed with costs, O. 56, r. 4.

Hearing may be proceeded with if either solicitor be present at the time appointed, or registrar may adjourn as he deems proper, O. 56, r. 5.

Counsel may attend, but the expense thereof shall not be allowed, unless necessary, O. 56, r. 7.

Evidence may be given by witnesses, O. 56, r. 6.

Shorthand writer may be sworn and take down the evidence, O. 56, r. 6.

Costs shall be borne in the first instance by the party applying for the shorthand writer, O. 56, r. 6.

Report shall be taken up by claimant's solicitor within six days after he has received notice that same ready, O. 56, r. 9.

In default, adverse solicitor may take same up, or apply to dismiss claim, O. 56, r. 10.

Registrar may deal with the costs of the reference in the report, O. 56, r. 8.

Report, notice of objection shall be filed and served within six days from filing of report, O. 56, r. 11.

Petition in objection, shall be filed within twelve days further, O. 56, r. 11.

Rules as to pleadings, proofs and printing, shall apply to proceedings on objection to report, O. 56, r. 12.

Transcript of shorthand writer's notes certified by him to be correct shall be admitted to prove the oral evidence of the witnesses, O. 56, r. 6.

Releases in :—

Cargo arrested for freight only, may be released by filing

Admiralty Action (*continued*).

affidavit of value and paying amount into registry,
or proving payment, O. 29, r. 4.

Caveat release book, entry shall be made in, on filing
notice, O. 29, r. 8.

Party entering this caveat is liable to costs and
damages unless he can show good reason for so
doing, O. 29, r. 10.

Præcipe for caveat release ... A., part II., No. 17.

To withdraw caveat ... " " 19.

Caveat warrant book, entry may be made in, by party
desiring to prevent arrest, O. 29, r. 11.

Notice, and undertaking to appear and give bail,
O. 29, r. 12.

Præcipe for caveat warrant ... A., part II., No. 18.

To withdraw caveat ... " " 19.

Warrant may issue notwithstanding caveat, but the
party arresting shall be liable to have the warrant
discharged, and to be condemned in costs and
damages, O. 29, r. 18.

District registry, in actions in, district registrar shall
ascertain from principal registry whether there is a
caveat release before he releases property, O. 29, r. 9.
So also as to caveat warrants, O. 29, r. 13.

Præcipe for release A., part II., No. 15.

To withdraw caveat ... " " 19.

Release, property arrested shall only be released by a,
O. 29, r. 1.

Bail bond filed for, or payment into registry of,
amount of action, entitles solicitor to a release,
unless there be a caveat, O. 29, r. 6.

Form of release A., part II., No. 16.

Solicitor arresting may withdraw warrant, O. 29, r. 2.

Desiring release may pay amount of action into
the registry, O. 29, r. 3.

Taking out release shall leave same in the
registry, and pay all costs, charges and
expenses attending arrest, O. 29, r. 7.

Salvage, in action of, value of property under arrest shall

Admiralty Action (*continued*).

be agreed, or an affidavit of value filed, before the property is released, unless otherwise ordered, O. 29, rr. 5, 6.

Writ of summons commencing action shall be forthwith served on party entering caveat warrant, O. 29, r. 14.

Bail shall be given by party so served within three days or amount paid into registry, O. 29, r. 15.

Upon default, after twelve days from entry of caveat warrant, plaintiff may proceed with the action in default, and file his proofs and set down the hearing, O. 29, r. 16.

Upon hearing, judgment for plaintiff may be enforced by attachment of the party entering the caveat and arrest of the property, O. 29, r. 17.

Reply shall be delivered in six days, O. 23, r. 1.

And see REPLY.

Rules and orders shall continue in force, except so far as they are expressly varied, until altered or annulled, §§ 18.

Repeal of rules of 1859 and 1871; paragraph preceding O. 1, and appendix O.

Rules as to collisions between ships, where both to blame, in force in Admiralty Court and at variance with common law rules, shall prevail, § 25 (9).

Sales in :—

Commission for appraisement or sale shall be executed by the marshal, unless otherwise ordered, O. 51, r. 14.
Form of commission, H. 16.

Proceeds shall be paid into court by the marshal, O. 51 r. 15.

Sale accounts and vouchers shall be brought into registry by the marshal for taxation, O. 51, r. 15.

Taxation of marshal's account, any person interested may be heard upon the, O. 51, r. 16.

Objections shall be heard in the same manner as objections to solicitors' costs, O. 51, r. 16.

Salvage, notice of intention to appeal from award of justices shall be given to justices within ten days of award, O. 51 r. 5.

Admiralty Action (*continued*).

Notice of motion to appeal shall be given to opposite party within twenty days of award, O. 59, r. 5.

Affidavit of service of these notices, with copies thereof, shall be filed, O. 59, r. 5.

Printed copies of the pleadings and evidence in the court appealed from shall be filed within ten days from the filing of the proceedings and award, where the appeal is to be heard without further pleadings and evidence, O. 59, r. 6.

In default, respondent may apply to dismiss the appeal with costs, O. 59, r. 6.

Services :—

Instruments shall be served within twelve months from their date, O. 67, r. 11.

To be served by the marshal shall be left with a notice in the registry, O. 67, r. 13.

No instrument, except a warrant, shall be served on Sunday, Good Friday or Christmas day, O. 67, r. 12.

Præcipe for service by the marshal of any instrument *in rem* other than a warrant, A., part I., No. 16.

Services by marshal, shall be verified by his certificate, O. 67, r. 14.

By solicitor shall be verified by affidavit, O. 67, r. 14.

Statement of claim; see CLAIM, *supra*.

Suits *in rem* or *in personam* shall be called actions, O. 1, r. 1.

Trial may be accelerated, and notice of trial may be dispensed with, or it and the times for pleadings abridged, O. 64, r. 9.

Warrant of arrest, form, A. part 1, No. 17.

Affidavit to lead, O. 5, rr. 16, 17.

Filed, warrant shall be, within six days of service, O. 9, r. 11.

Forms :—

Possession	A., part I., No. 14.
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Restraint	„ „ 13.
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<i>Præcipe</i> for warrant	„ „ 15.
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Served, shall be, by the marshal, O. 9, r. 11.

Mode of service, O. 9, r. 12.

Where cargo landed or transhipped, O. 9, r. 13.

Admiralty Action (*continued*).

Writ of summons :—

Form shall be A., part I, No. 11 with any requisite variation, O. 2, r. 7.

In D. R., form A., part I, No. 12 shall be used with any requisite variation, O. 2, r. 7.

Indorsement of claim on, may be to the effect of the following forms, or such other similarly concise form as the case may require, O. 3, r. 3.

Bottomry ...	A., part III., sec. 6, No. 9.	
Cargo, damage to ...	”	3.
Collision, damage to cargo	”	2.
”	ship	1.
Mortgage ...	”	8.
Necessaries ...	”	15.
Part owner ...	”	6, 10.
Possession ...	”	4, 5, 7, 11.
Salvage ...	”	12.
Towage ...	”	13.
Wages ...	”	14.

Service on ship, freight, or cargo, O. 9, r. 12.

On cargo landed or transhipped, O. 9, rr. 13, 14.

Admiralty Court—

See PROBATE, DIVORCE AND ADMIRALTY DIVISION.

Admiralty Division—

See PROBATE, DIVORCE AND ADMIRALTY DIVISION.

Admissions—

Defence arising after action, confession of (Form B. 2) and judgment for costs, O. 24, r. 3,

Evidence, admissions of, whereon any order is made shall be filed in the central office, O. 61, r. 31.

Judgment on admissions may be applied for, at any stage, and without waiting for the determination of other questions O. 32, r. 6.

Judgment or order wherein written admissions are entered as

Admissions (*continued*).

read, shall not be passed until same have been filed,
O. 61, r. 15.

Written admissions shall be transmitted to central office
to be there filed, O. 61, r. 31.

Notice by party's pleading, or otherwise in writing, of admission
of whole or part of opponent's case, O. 32, r. 1.

Notice to admit documents, O. 32, r. 2.

Form shall be B, 11 ; O. 32, r. 3.

Affidavit of signature of admissions, O. 32, r. 7.

Costs of proof where admission refused and no certificate
of reasonable refusal given, or where notice to admit
not given, O. 32, r. 2.

Where unnecessary documents are included, costs
shall be borne by party giving notice, O. 32, r. 9.

Notice to admit facts may be given not later than nine days
before day for which notice of trial is given, O. 32, r. 4.

Form shall be B. 12, with any requisite variation,
O. 32, r. 5.

Admissions made thereunder should be made within six
days and shall be deemed to be made only for the
particular cause, matter or issue, O. 32, r. 4.

Form shall be B. 13, with any requisite variation,
O. 32, r. 5.

Withdrawn, or amended, may be on terms, O. 32, r. 4.

Costs of admissions, special allowance may be made in
respect of, O. 65, r. 27, r. 1.

Costs of proof where admission not made within six days,
and no certificate of reasonable refusal given, shall
be borne by party refusing, unless otherwise ordered
O. 32, r. 4.

Offer to make, may affect decision on opponent's application
to interrogate, O. 31, r. 2.

Pleadings, facts not denied in, shall be taken as admitted,
except against infants and lunatics, O. 19, r. 13.

Costs, where facts are not admitted which ought to have
been admitted, O. 21, r. 9.

Party may apply by motion for any order to which
admissions entitle him, O. 32, r. 6.

Advertisements for Creditors, and Proof of Claims—

Advertisement, only one, shall be issued, unless for special reason and may be repeated as many times as may be directed, O. 55 r. 45.

Approved, shall be, by chief clerk, O. 55, r. 46.

Form shall be, L. 2 or 3, with any requisite variation, O. 55, r. 47.

For claimants not being creditors, L. 2.

For creditors, L. 3.

Prepared, shall be, by party prosecuting the judgment or order, O. 55, r. 46.

Signature of chief clerk shall be an authority to the printer of the Gazette to insert same, O. 55, r. 46.

Times to prove and send in claims and for adjudication shall be fixed, O. 55, r. 47.

Claimants who do not come in and prove their claims within the time fixed by the advertisement shall be excluded O. 55, r. 44.

Filing affidavits need not take office copies, O. 55, r. 48.

May apply by summons to let in claim after time fixed by the advertisement, O. 55, r. 57.

Claims shall be examined by the executor or administrator, or person directed by the judge, O. 55, r. 52.

Affidavit and list of claims shall be filed by him seven clear days before day appointed for adjudication, O. 55, r. 52.

Affidavit, form of, shall be L. 5 ; O. 55, r. 52.

List of claims, form of, shall be L. 6 ; O. 55, r. 52.

Making of affidavit, may be postponed by direction of judge, O. 55, r. 53.

Shall not be received after the time fixed by the advertisement, O. 55, r. 57.

Creditor, a, need not make any affidavit nor attend to support his claim unless required by notice, O. 55, r. 49.

But must produce his security (if any) on the adjudication, O. 55, rr. 49, 50.

Costs of establishing debt shall be allowed, and fixed by the judge or taxed, and added to the debt, O. 55, r. 58.

Advertisements for Creditors, and Proof of Claims— (continued).

Notice to produce deeds, etc. may be given (in form L. 4),
O. 55, r. 50.

Neglect to comply with notice disentitles party to
costs, unless otherwise directed, O. 55, r. 51.

Served, may be, by post, O. 55, r. 61.

Debts, list of, allowed, L. 17.

Hearing, adjournment of, where any claims undisposed of,
O. 55, r. 54.

Or not allowed, O. 55, r. 55.

Claims may be allowed without proof, or an investigation
directed, or further particulars required, or creditor
may be required to attend and prove, O. 55, r. 55.

Costs of establishing debt shall be allowed, and fixed by
the judge or taxed, and added to the debt, O. 55,
r. 58.

Executor or administrator shall alone appear on claims,
unless otherwise directed, O. 16, r. 47.

Further evidence, time may be named within which it is
to be closed, and directions given as to mode in
which it is to be adduced, O. 55, r. 54.

Notice to creditor of allowance of claim (L. 7) shall be
given, O. 55, r. 56.

May be served by post, O. 55, r. 61.

Notice to creditor to attend and prove claim (L. 8)
within seven days shall, if directed, be given, O. 55,
r. 56.

May be served by post, O. 55, r. 61.

In default claim shall be disallowed, O. 55, r. 56.

Interest shall be computed on such debts as carry interest, at
the rate they carry, and on all others at 4 per cent from
the judgment or order, O. 55, r. 62.

Debts not carrying interest shall not be entitled to
interest until after costs of the cause and the debts
(and interest) are satisfied, O. 55, r. 63.

Legacies unpaid, list of, L. 18.

List of claims allowed shall, when required by the judge, be
made out and left in chambers, O. 55, r. 59.

Advertisements for Creditors, and Proof of Claims— (continued).

Particulars of claim, account and security to be sent by claimant, O. 55, r. 47.

Payment by paymaster general, notice that cheques receivable shall be given by the party prosecuting the judgment or order, O. 55, r. 60.

Form of notice L, 9 ; O. 55, r. 60.

Judgment or order and necessary papers shall be produced by the party prosecuting, O. 55, r. 60.

Summons to let in claim after time fixed by the advertisement, O. 55, r. 57.

Terms may be imposed, O. 55, r. 57.

Affidavit—

A. Generally ; B. In specific cases ; C. Affidavit Evidence on Trial.

A. Generally.

Alterations must be initialled by the commissioner, O. 38, r. 12.

Contents, shall be confined to facts, except on interlocutory motions when statements of belief, with grounds, thereof, may be admitted, O. 38, r. 3.

Copy shall be furnished to the other side, O. 66, r. 7. (*g*).

Application for copy in cases of injunction or writ of *ne exeat regno*, O. 66, r. 7. (*j*).

Application and undertaking to pay for copy, O. 66, r. 7. (*i*).

Folios shall be marked in margin, O. 66, r. 7, (*m*).

Party furnishing copy shall be responsible for its accuracy, O. 66, r. 7 (*l*).

His name and address shall be indorsed thereon O. 66, r. 7 (*l*).

Refusal of party to furnish copy, consequences thereof, and proceedings thereon, O. 66, r. 7, (*n*).

Written; copies shall be written in a neat and legible manner and on the same paper as printed copies, O. 66, r. 7, (*m*).

Paper on which copies shall be printed, O. 66, r. 3.

Affidavit (*continued*).*1. Generally (continued).*

Costs of affidavit unnecessarily setting forth hearsay or argumentative matter or documents, shall be paid by the party filing the same, O. 38, r. 3.

Attendance on deponent to settle and read over no separate allowance for, O. 65, r. 27, reg. 5.

Not drawn up in the first person, and not divided into numbered paragraphs, and not written or printed bookwise, shall not be allowed, O. 38, r. 7.

Prolivity in title, costs occasioned by, shall be disallowed, O. 38, r. 2.

Several deponents, or resident at a distance, special allowance for costs, O. 65, r. 27, reg. 4.

Special affidavits, special allowance may be made for costs of, O. 65, r. 27, reg. 1.

Counsel's fees to settle affidavits, allowance of, O. 65, r. 27, reg. 15.

Cross-examination of deponent on any motion, petition, or summons, O. 38, r. 1.

Party or witness having made an affidavit is bound to attend examiner for cross-examination, upon being served with a *subpoena*, O. 37, r. 20.

Deponent's description and true place of abode shall be stated, O. 38, r. 8.

Resident at a distance, or several, special allowance for costs, O. 65, r. 27, reg. 4.

Documents referred to in an affidavit shall be produced on notice: penalty on noncompliance, O. 31, r. 15,
And see INSPECTION.

Drawn up, every affidavit shall be, in the first person, O. 38, r. 7.

Erasures, affidavits with, shall not be used without leave, unless erasures are re-written and initialled by the commissioner, O. 38, r. 12.

Exhibits shall be marked with the short title of the cause or matter, O. 38, r. 24.

Affidavit (*continued*).*A. Generally (continued).*

What documents shall be exhibited and not annexed,
O. 38, r. 23.

Facts, affidavits shall be confined to, except on interlocutory applications, when statements of belief with grounds thereof may be admitted, O. 38, r. 3.

Filed, affidavit, where to be, O. 38, r. 10.

Filed after time limited, shall not be used unless by leave.
O. 38, r. 18.

Shall not be removed from the central office without an order, O. 61, r. 28.

Folios of copies shall be numbered in the margin, O. 66, r. 7, (*m*).

Illiterate deponent, affidavit by, and jurat, O. 38, r. 13.

Interlineations must be initialled by the commissioner.
O. 38, r. 12.

Irregularities in, affidavits may be received by the court or judge notwithstanding, O. 38, r. 14.

Jurat, interlineations or alterations in, affidavit shall not be used without leave, unless same are initialled by commissioner, O. 38, r. 12.

Illiterate deponents, certificate in jurat, in case of,
O. 38, r. 13.

Several deponents, jurat in case of, O. 38, r. 9.

Time and place where affidavit taken shall be stated
O. 38, r. 5.

Motion, petition, or summons, evidence on any, may be given by affidavit, but deponent's attendance for cross-examination may be ordered, O. 38, r. 1.

Name and address of party furnishing copy shall be indorsed, O. 66, r. 7, (*l*).

Note at foot of affidavit shall state on whose behalf same filed, and such note shall appear on every copy
O. 66, r. 7, (*k*).

Notice of intention to use affidavit on application in chambers of Ch. Div., shall be given, O. 38, r. 20.

Office copy of affidavit of documents need not be taken, O. 65, r. 27, reg. 54.

Affidavit (*continued*).*A. Generally (continued).*

Office copy affidavit shall be made and taken by party filing original, O. 66, r. 7, (*f*).

Produced, shall be, by such party on every proceeding, O. 66, r. 7, (*g*).

When original can be used, office copy need not be taken, O. 65, r. 27, reg. 53.

Received in evidence, may be, O. 60A, r. 5.

Office copies from district registries, § 61.

Taken, may be by opposite party, where party filing refuses or neglects for twenty-four hours to supply plain copy, O. 66, r. 7, (*n*).

Used, may be in all cases, where original filed, O. 38, r. 15.

Original allowed by present practice to be used, shall, when used, be left with officer, O. 35, r. 15.

Office copy need not in such cases be taken, O. 65, r. 27, reg. 53.

Paragraphs, every affidavit shall be divided into, and numbered consecutively, O. 38, r. 7.

Produced or filed at time of making any *ex-parte* motion, affidavit must be, O. 38, r. 19.

Read in court may be used in chambers, O. 38, r. 21.

Scandalous matter may be struck out, with costs, O. 38 r. 11.

Spa duces for affidavit, filed in central office, shall not issue, O. 61, r. 28.

Stamped, shall be with proper filing stamp before being used, O. 38, r. 15.

Sworn may be, either in print or manuscript, O. 66, r. 4.

Sworn may not be, before the solicitor, agent, or correspondent, of party using same, nor before the party himself, O. 38, r. 16.

Nor before the solicitor's clerk or partner, O. 38, r. 17.

Who before, O. 38, r. 3.

In Scotland, Ireland, or abroad, O. 38, r. 6.

Title, and where there are more than one plaintiff or defendant, O. 38, r. 2.

Affidavit (*continued*).*A. Generally (continued).*

Costs occasioned by unnecessary prolixity in title shall be disallowed, O. 38, r. 2.

Crown side of Q. B. D. affidavits used on, shall be intituled in the Q. B. D., O. 68, r. 4.

Year, letter, and number of cause or matter shall be marked on the first page, O. 61, r. 19.

B. In specific cases.

Abstract of title, affidavit verifying, in Ch. Div., L. 23.

Account, affidavit of verification of, O. 33, r. 4.

Account, affidavit on application for an account, O. 15, r. 2.

Affidavit of defendant in opposition, O. 15, r. 1.

Accounts, form of affidavit verifying and answering inquiries in Ch. Div., L. 11,

Admissions pursuant to notice, affidavit of, O. 32, r. 7.

Answers to interrogatories ; see that title.

Appearance by guardian, form of affidavit for entry of, A., part II., No. 8.

Attach debts, affidavit on application to ; see ATTACHMENT OF DEBTS.

Bill of sale, form of affidavit on registration of, B. 24.

Affidavit on entering up satisfaction, O. 61, r. 26.

And see BILL OF SALE.

Charging stock or shares ; see that title.

Claimants filing affidavits in Ch. Div. need not take office copies, but same shall be taken by person who examines claims, O. 55, r. 48.

Creditors in Ch. Div. need not make affidavits in support of claims unless required, O. 55, r. 49.

Affidavit (L. 5) to be made by executor or administrator verifying list of claims, O. 55, r. 52.

Deeds, engrossments of, affidavit verifying, L. 24.

Discovery of documents ; see that title.

Forms :

Abstract of title, affidavit verifying	...	L. 23
Accounts and inquiries, affidavit verifying	...	L. 11
Answers to interrogatories	...	B. 7

Affidavit (*continued*).*B. In specific cases (continued).*

- Appearance by guardian, affidavit for A. part II., No. 8
- Attachment of debts, affidavit on application
for B. 25.
- Bill of sale, affidavit on registration of ... B. 24.
- Charging stock or shares, affidavit for ... B. 27.
- Claims, affidavit verifying list of ... L. 5.
- Deed, affidavit verifying engrossment of ... L. 24.
- Discovery ; affidavit of documents ... B. 8,
- Interpleader, affidavit on application for ... B. 26.
- Justification of sureties in admiralty action,
affidavit of A. part II., No. 14.
- Receiver's report, affidavit verifying ... L. 22.
- Result of sale in Ch. Div., affidavit of ... L. 16.
- Service of summons, affidavit of ... B. 23.
- Warrant to arrest, admiralty action of posses-
sion A. part II., No. 14.
- Restraint „ 13.
- Injunction or *ne exeat regno*, supply of copies on applica-
tion for, O. 66, r. 7, (j).
- Inspection of court rolls, affidavit on application for
O. 31, r. 19.
- Interpleader, contents and requisites of affidavit, O. 57,
r. 2.
- Form of affidavit, B. 26.
- Interveners ; see ADMIRALTY ACTION, PROBATE ACTION.
- Judgment, under, O. 14 ; see JUDGMENT B.
- Judicial opinion, advice, or direction, title and form of
affidavit for, O. 52, r. 19.
- Justification of sureties in admiralty action, form of
affidavit, A. part II., No. 14.
- Land, action for recovery of, affidavit by third party for
leave to appear, O. 12, r. 25.
- Property, subject to lien, affidavit to pay amount of lien
into court, O. 50, r. 8.
- Receiver's report, form of affidavit verifying, L. 22.
- Sale proceeds paid into court under Act of Parliament
affidavit on application for, O. 52, r. 18.

Affidavit (*continued*).*B. In specific cases (continued).*

Sales by the court in Ch. Div., affidavit to fix reserved biddings, O. 51, r. 4.

Result of sale, affidavit of, O. 51, r. 6, form L. 16.

Scripts, affidavit of, O. 20, r. 2.

Service of copy affidavit with notice of motion as to an award, for an attachment, or to strike off the rolls, O. 52, r. 4.

Service of summons, what affidavit must state, O. 67, r. 9.
Form of affidavit, B. 23.

Subpoena, contents of affidavit proving service, O. 37, r. 33.

Summons, form of affidavit of service of B. 23.

Affidavit of non-attendance not required, O. 54, r. 5.

Warrant to arrest, affidavit to lead, in admiralty actions, O. 5, r. 16.

Forms : possession A. part II., No. 14.
Restraint „ „ 13.

Writ of possession, affidavit to lead, O. 47, r. 2.

Writ of summons, affidavit of service of, O. 13, r. 2.

In chancery, probate, and other actions, O. 13, r. 12.

Substituted service, affidavit on application for, O. 10

Writ of summons, for service out of jurisdiction, affidavit to lead, O. 11, r. 4.

Writ of summons in probate action, affidavit to lead, O. 5, r. 15.

C. Affidavit Evidence on Trial.

Consent requisite for trial of action on affidavit instead of on *vivâ voce* evidence, O. 37, r. 1.

Plaintiff's affidavits shall be filed, and a list thereof delivered, within fourteen days after consent, or within such time as may be agreed, or ordered, O. 38, r. 25.

Defendant's affidavits shall be filed and a list thereof delivered, within fourteen days after delivery of plaintiff's list, or within such time as may be agreed, or ordered, O. 38, r. 26.

Affidavit (*continued*).*C. Affidavit Evidence on Trial* (*continued*).

Plaintiff's affidavits in reply (confined to matters strictly in reply) shall be filed, and a list thereof delivered, within seven days after the expiration the defendant's fourteen days or such time as may of be agreed, or ordered, O. 38, r. 27.

Cross-examination of deponent, notice for, may be served within fourteen days after time for filing affidavits in reply, or such time as may be specially appointed, O. 38, r. 28.

Form of notice, B. 20.

If deponent is not produced, his affidavit shall not be used, unless by special leave O. 38, r. 28.

Deponent's attendance may be compelled by the party receiving the notice, O. 38, r. 29.

Deponent's expenses shall not be demanded in the first instance, O. 38, r. 28.

Examiner, any witness may, by order, be examined by interrogatories, or otherwise, before a commissioner or examiner, O. 37, rr. 1. 5.

Form of order, K. 35.

And see EVIDENCE, C.

Fact, any particular, may be ordered to be proved by affidavit, O. 37, r. 1.

Affidavit of any witness may, by order, be read at the trial, O. 37, r. 1.

But such order shall not be made if the other party *bonâ fide* desires to cross-examine the witness, O. 37, r. 1.

Printed, affidavit evidence shall be, O. 38, r. 30.

Depositions filed for use on trial shall be printed unless otherwise ordered, O. 66, r. 5.

But not if the deposition or affidavit has been previously used without being printed, O. 66, r. 6.

Affidavit, Commissioner to take—

See COMMISSIONER TO ADMINISTER OATHS.

Amendment—

- All necessary amendments shall be made, O. 28, r. 12.
- Charging stock, amendment of notice, O. 46, r. 11.
- Claim, statement of, O. 28, r. 2.
- Clerical mistakes in judgments or orders, or errors from accidental slips or omissions, may be corrected on motion without an appeal, O. 28, r. 11.
- Counterclaim, amendment of, O. 28, r. 3.
- Court of Appeal shall have all the powers and duties as to amendment of the H. C.; O. 58, r. 4.
- And all the power, authority and jurisdiction thereon of the H. C., § 19.
- Facts, admissions of, may be amended, O. 32, r. 4.
- Indorsement may be amended, by leave, O. 28, r. 1.
- Judgments and orders, clerical mistakes in, or errors from accidental slips or omissions, may be corrected on motion without an appeal, O. 28, r. 11.
- Noncompliance with rules or practice, amendment to meet any, O. 70, r. 1.
- Notice of appeal, amendment of, O. 58, r. 2.
- Order to amend, form of, K. 10.
- Need not be drawn up; notice of order shall be served, O. 52, r. 14.
- Parties improperly joined may be struck out, O. 16, r. 11.
- Application may be made before or at trial, O. 16, r. 12.
- New parties may be added, O. 17, r. 4.
- And see JOINDER OF PARTIES, C.
- Pleading amended, shall be pleaded to within original time or within eight days from amendment, O. 28, r. 5.
- Pleadings may be amended by leave, O. 28, r. 1.
- Set off may be amended, O. 28, r. 3.
- Third party, amendments may be ordered as may be proper for having question determined, O. 16, r. 53.
- Time for, may be enlarged by consent, O. 64, r. 8.
- Unnecessary or scandalous matter, or matter tending to prejudice, embarrass, or delay, O. 19, r. 27.

Answers to Interrogatories—

- Affidavit in answer shall be filed within ten days, O. 31, r. 8.

Answers to Interrogatories (*continued*).

Time does not run until receipt for security served,
O. 31, r. 26.

Nor between day of service of order and day of
giving security, both inclusive, O. 64, r. 6.

Time may be enlarged by consent, O. 64, r. 8.

Corporation or company, interrogatories may, by order, be
delivered to any member or officer, O. 31, r. 5.

Costs of answers to interrogatories exhibited unreasonably,
vexatiously, or at improper length, shall be paid by the
party in fault, in any event, O. 31, r. 3; and see O. 65,
r. 27, reg. 30.

Shall be allowed only when interrogatories appear to
have been reasonable, O. 31, r. 25.

Special allowance may be made, O. 65, r. 27, reg. 1.

Evidence, one answer may be put in without the others, but
judge may look at the whole and direct others to be put
in, O. 31, r. 24.

Exceptions shall not be taken to answers but their sufficiency
shall be determined on motion or summons, O. 31, r. 10.

Form shall be B. 7, with any requisite variation, O. 31, r. 9.

Issue or question may be ordered to be determined before
deciding on the right to the discovery, where party
objects to answer, O. 31, r. 20.

Objection that any interrogatory is scandalous, irrelevant,
not *bonâ fide*, or not material, may be taken in the
answer, O. 31, r. 6.

Irrelevant, interrogatories are, which do not relate to the
matters in question O. 31 r. 1.

Order to answer, or to answer further, may be made where
party omits to answer, or answers insufficiently, O. 31,
r. 11.

By affidavit or *vivâ voce* examination, O. 31, r. 11.

Disobedience renders party liable to attachment, O. 31,
r. 21.

And if a plaintiff, to an order dismissing his action,
O. 31, r. 21.

And if a defendant, to have his defence struck out,
O. 31, r. 21.

Answers to Interrogatories (*continued*).

Service of order on solicitor sufficient to ground application for attachment, but party may show no notice or knowledge of order, O. 31, r. 22.

Solicitor liable to attachment for neglect to give notice of order to his client, O. 31, r. 23.

Printed, answers shall be, if exceeding ten folios, unless otherwise ordered, O. 31, r. 9.

Security for costs shall be given by the party interrogating, O. 31, r. 25.

Lien on security, for costs of cause, O. 31, r. 27.

Payment into court of £5, and 10s. for every folio beyond five, shall be made before delivery of interrogatories, O. 31, r. 26.

Setting aside unreasonable or vexatious, and striking out prolix, oppressive, unnecessary, or scandalous interrogatories, O. 31, r. 7.

Application must be made within seven days after service of interrogatories, O. 31, r. 7.

Irrelevant interrogatories, what are; see OBJECTIONS, *supra*.

Sheriff, in action against, may be ordered to answer by the officer actually concerned, O. 31, r. 28.

Appeal—

A. To Judge in Chambers; B. To Divisional Court; C. To Court of Appeal; D. To House of Lords; E. From Inferior Court.

A. To Judge in Chambers.

Appeal to Q. B. judge shall be by indorsement of summons or notice within four days, or such further time as may be allowed, O. 54, r. 21.

So also in district registries, O. 35, r. 9.

In chancery actions, from D.Rs., O. 35, r. 12.

Case or point may be reserved by judge, for determination of divisional court, § 46.

Master may refer matters for decision of the judge, O. 54, r. 20.

So may district registrar, O. 35, rr. 8, 12.

Appeal (*continued*).*A. To Judge in Chambers (continued).*

Powers and jurisdiction of judge sitting in chambers, § 39
 Stay of proceedings, appeal in Q. B. D., shall not be a
 unless so ordered, O. 54, r. 22.

Nor in district registries, O. 35, r. 10.

B. To Divisional Court.

Appeal from Q. B. chambers, shall be by motion, and shall
 be made within eight days, or on first day on which
 court may be sitting, O. 54, r. 24.

Notice of motion shall be served two clear days
 before the day named for hearing, unless by
 special leave, O. 52, r. 5.

Case or point may be reserved by judge for determina-
 tion of divisional court, § 46.

Consent orders, or orders as to discretionary costs, are
 not subject to appeal, except by leave, § 49.

Discharged or set aside, chamber orders may be, and
 application to, must be made before appeal, unless
 by leave, § 50.

C. To Court of Appeal.

(a) *When to be brought, and what appeals may be
 brought; (b) How brought; (c) Notice of appeal;
 (d) How heard; (e) Evidence upon; (f) Effect
 of; (g) Cross appeals.*

(a) *When to be brought, and what appeals may be
 brought.*

Applications which may be made to either court, shall
 in the first instance be made to the court below.
 O. 58, r. 17.

Applications to C. A. shall be by motion, O. 58, r. 18.

Bankruptcy, appeal in, shall lie to the C. A. §§ 9.

Brought, shall be, within twenty-one days, O. 58,
 rr. 9, 15.

Time, whence calculated, O. 58, r. 15.

Chamber orders, to set aside or discharge which no
 motion has been made, shall not be appealed.
 unless by special leave, § 50.

Appeal (*continued*).

C. *To Court of Appeal (continued)*.

Charitable Trusts Acts, 1853, appeal does not lie, without leave, where the gross annual income does not exceed £100, O. 55, r. 14.

Consent orders, and orders as to discretionary costs, are not subject to appeal, except by leave, § 49.

Criminal matters, no appeal shall lie in, except for error of law apparent on the record, § 47.

Divorce appeal to be brought to C. A., §§ 9.

No appeal lies against decree absolute where appeal against decree *nisi* neglected, §§ 10.

Ex-parte application, appeal against refusal of any, may be made to the C. A. within four days, or such time as may be allowed, O. 58, r. 10.

Final by statute, where decision below is, no appeal lies, † 20.

Inferior court, decision on appeal from any, shall be final unless special leave to appeal to C. A. be given § 45.

Interlocutory orders and orders in matters, no appeal from any, shall, except by special leave, be brought after twenty-one days, O. 58, r. 15.

Time, whence calculated, O. 58, r. 15.

Interpleader, special leave to appeal in, is necessary, O. 57, r. 11.

Judgment or order of H. C., any, shall be subject to appeal, § 19.

Judgments and orders (except interlocutory orders and orders in matters), no appeal shall, except by special leave, be brought after one year, O. 58, r. 15.
Time, whence calculated, O. 58, r. 15.

Matters, orders in, not being actions, appeals in, shall be brought within twenty-one days, O. 58, rr. 9, 15.

Time, whence calculated, O. 58, r. 15.

Motion to set aside judgment, O. 40, rr. 3, 4 5.

New trial, application for, where action tried without a jury, shall be by appeal to the C. A., O 39 r.¹.

Orders in matters not being actions, appeals on, shall not be brought after twenty-one days, O. 58, rr. 9, 15.

Appeal (*continued*).*C. To Court of Appeal (continued).*

Time, whence calculated, O. 58, r. 15.

Registration and election cases, leave to appeal necessary in, ¶ 14.

Winding up companies, appeal in, shall be brought within twenty-one days, O. 58, rr. 9, 15.

Time, whence calculated, O. 58, r. 15.

(b) How brought.

By notice of motion in a summary way, O. 58, r. 1.

Entry: copy notice of appeal shall be left with officer, and judgment or order appealed from produced to him, O. 58, r. 8.

Præcipe on entry, G. 23.

Limited, may be, to part of the judgment or order appealed from, O. 58, r. 1.

Security or deposit for costs shall be given as may be directed, under special circumstances, by C. A., O. 58, r. 15.

Shall be of such amount, and given in such time, manner and form as shall be directed, O. 65, r. 6.

(c) Notice of appeal.

Amended, may be at any time, as to the C. A. may seem fit, O. 58, r. 2.

Interlocutory order, notice of appeal from any, shall be a four days' notice, O. 58, r. 3.

Judgment, or final order, notice of appeal from any, shall be a fourteen days' notice, O. 58, r. 3.

Motion, appeal shall be brought by a notice of, O. 58, r. 1.

Served, shall be, upon all parties directly affected, and, by order, upon all parties, or upon any person not a party, O. 58, r. 2.

Shall state whether whole or part (specifying such part) of the judgment or order is complained of, O. 58, r. 1.

(d) How heard.

Assessors, the aid of, may be called in by the court, § 56.

Constitution of court ; see COURT OF APPEAL, A.

Appeal (*continued*).*C. To Court of Appeal (continued).*

Costs, court may make such order as may seem just,
O. 58, r. 4.

Final orders, appeal against, shall be heard by not less
than three judges, §§ 12.

Heard shall be, in their order, unless otherwise ordered,
O. 58, r. 8.

Inferences of fact may be drawn, O. 58, r. 4.

Interest shall be allowed unless otherwise ordered, O. 58,
r. 19.

Interlocutory order, appeal against, shall be heard by not
less than two judges, §§ 12.

Court shall determine doubts as to what orders are
final, and what interlocutory, §§ 12.

Jurisdiction and powers of C. A., see COURT OF APPEAL, C.

New trial may be ordered, O. 58, r. 5.

Officers shall follow appeals from their own divisions,
O. 60, r. 2.

Referred : causes and matters may be referred for inquiry
and report to an official or special referee, § 56.
And see REFEREES, OFFICIAL AND SPECIAL.

Registrars shall attend hearing of appeals from Ch.
Div., O. 62, r. 1.

(e). Evidence upon.

Affidavits : subject to special order, prints, and office copies
of those not printed, shall be produced, O. 58
r. 11.

Further evidence may be given without special leave
upon interlocutory applications, or, in any case, as to
matters subsequent, O. 58, r. 4.

Not without special leave, save as to matters subse-
quent, where the appeal is on a judgment after
trial or on the merits, O. 58, r. 4.

Judge's ruling, or direction to jury or assessors, upon any
question arising as to, the court shall have regard to
the verified notes or other evidence or materials,
O. 58, r. 13.

Appeal (*continued*).*C. To Court of Appeal (continued).*

Oral evidence, judge's notes, or such other materials as the court may deem expedient, shall be produced, O. 58, r. 11.

Printing: evidence not printed in the court below may be ordered to be printed for the appeal, O. 58, r. 12.

Party printing without such order shall bear the costs, unless otherwise ordered, O. 58, r. 12.

Special order may be made as to mode of bringing the evidence taken below before the court, O. 58, r. 11.

(f) Effect of.

Interest for such time as execution has been delayed shall be allowed and computed by taxing officer, unless otherwise ordered, O. 58, r. 19.

Intermediate act or proceeding, no, shall be invalidated, except so far as court appealed from may direct, O. 58, r. 16.

Registration and election cases, decision of C. A. is final, \ddagger 14.

Stay of execution or of proceedings under decision appealed from, appeals shall not act as a, except so far as may be ordered, O. 58, r. 16.

(g) Cross-appeals to.

Notice of motion by way of cross-appeal, unnecessary; but respondent shall give notice of his contention that decision below should be varied, O. 58, r. 6.

Omission to give this notice shall not diminish powers of the court, but may be ground for an adjournment, or for a special order as to costs, O. 58, r. 6.

Such notice shall, in case of a final judgment, be an eight days' notice, and in case of an interlocutory order, a two days' notice, O. 58, r. 7.

D. To House of Lords.

(a) When to be brought, and what appeals may be brought;

(b) How brought; (c) How heard; (d) Taxation of costs; (e) Cross-appeals.

Appeal (*continued*).*D. To House of Lords (continued).**(a.) When to be brought, and what appeals may be brought.*

Appeal lies against any order or judgment of C. A., † 3.

Divorce proceedings, in, when it lies, ‡ 9.

Within what time it must be brought, ‡ 9.

Error shall not lie, † 11.

Lodged, shall be, except where otherwise provided by statute, within one year from date of decree, &c., or one year from cesser of disability, and no appeal shall on account of mere absence be allowed after five years, from date of decree, etc., S. O. 1.

Registration and election cases, no appeal in, ‡ 14.

(b.) How brought.

Appeal shall be brought by petition: prayer thereof, † 4.

Form; Method of Procedure.

Printed must be on parchment; Directions to Agents in Method of Procedure.

Signed and certified, shall be, by two counsel, S. O. 2.

Fiat of Attorney-General, when necessary, † 10.

Notice of intention to present appeal must be served two clear days before lodging appeal; Directions to Agents in Method of Procedure.

Order of service shall be returned with affidavit of service thereof, and in default appeal shall stand dismissed, S. O. 3, and see S. O. 7.

Orders may be made regulating appeals and procedure, † 11

Petition for extension of time to lodge cases, form of, appendix C. to S. O.

Printed cases and appendix shall be lodged by appellant within six weeks from presentation of appeal, and appeal set down on first sitting day thereafter, or appeal shall stand dismissed, S. O. 5 (1); and see S. O. 7.

Signed, shall be, by one or more counsel, S. O. 5 (3).

Supplemental cases shall be presented, where appeal revived or parties added, after original cases lodged, S. O. 8.

Appeal (*continued*).*D. To House of Lords (continued).*

Bound cases to be lodged by appellant immediately after respondent's printed cases are delivered in; appendix B. to S. O.

Respondent's appearance; Directions to Agents in Method of Procedure.

Security for costs shall be given by recognizance, *and* bond or payment into the House, or appeal shall stand dismissed, S. O. 4: and see S. O. 7.

Form of certificate of sufficiency of sureties; appendix A. to S. O.

Form of notice for repayment of deposit; appendix D. to S. O.

(c.) How heard.

Appeal heard during prorogation of parliament, † 8.

And during dissolution, † 9.

(d.) Taxation of costs.

Taxation may be on application of either party; certificate of result, S. O. 10.

Mode of procedure; appendix E. to S. O. and specimen bills of costs to be obtained at H. L.

(e.) Cross Appeals.

Presented, shall be, within the period allowed for lodging cases, S. O. 6 and see S. O. 7.

F. From Inferior Court.

Appeal case must be divided into paragraphs and numbered, R. 22nd Jan. 1877, r. 1.

County court, copy of the judge's notes signed by the judge, shall be handed to the proper officer in court, before appeal is heard, R. 22nd Jan. 1877, r. 2.

Divisional court for hearing appeals, § 45.

Entered, appeals shall be, at the crown office, O. 59, r. 4.

Two copies of the appeal case shall be lodged, R. 22nd Jan. 1877, r. 1.

Final, decision shall be, unless special leave to appeal to Court of Appeal be given, § 45.

Appeal (*continued*).

E. From Inferior Court (continued).

Heard, shall be, by such divisional court, as L. C. J. shall direct, O. 59, r. 4.

Power by order in council to apply enactments relating to county court appeals, to appeals from inferior courts, §§ 15.

Probate and admiralty appeals shall be to a divisional court of the P. D. and A. Div., O. 59, r. 4.

Appeal, Court of—

See COURT OF APPEAL.

Appearance—

A. Where to be entered; B. When to be entered; C. How entered; D. Default of Appearance.

A. Where to be entered.

District registry, appearance, where writ issued in and defendant resides or carries on business within the district, shall be entered in the D. R., O. 12, r. 4.

Where defendant does not so reside or carry on business, he may appear in the D. R. or at the central office, O. 12, r. 4.

When all the defendants who appear, appear in the D. R., then action shall proceed in such registry, O. 12, r. 6.

London, appearance shall be entered in, except in the cases otherwise provided for by the rules, O. 12, r. 1. Appearances in London shall be entered in the central office, O. 12, r. 2.

Where any of the defendants appear in London, the action shall proceed in London; but if the defendant appearing in London is a merely formal defendant, the action may, by order, proceed in the D. R. notwithstanding such appearance, O. 12, r. 7.

Probate action, appearance must be in London, O. 5, r. 1..

E. When to be entered.

Defendant may appear at any time before judgment, O. 12, r. 22.

Appearance (*continued*).

B. *When to be entered (continued)*.

If entered after time for appearance, defendant shall not, unless otherwise ordered, be entitled to further time for delivering his defence than if he had appeared in time, O. 12, r. 22.

Third party disputing plaintiff's claim, or his own liability, must appear within eight days after service of the third party notice, O. 16, r. 49.

Third party served with counterclaim must appear as if he had been served with a writ of summons, O. 21, r. 13.

When writ served out of jurisdiction, order for leave to serve same shall limit time for appearance, O. 11, r. 4.

C. *How entered*.

Admiralty action *in rem*, any person may intervene and appear on filing affidavit showing interest, O. 12, r. 24.

Cause book, officer shall enter appearance in the, O. 12, r. 14.

Conditional appearance, O. 12, r. 30.

Infant, shall not appear except by guardian *ad litem*, O. 16 r. 18.

Form of affidavit for entry of appearance, A. part II.
No. 8 ; and see INFANT.

Land, in action for recovery of, any person not a defendant, may, by leave, appear, on filing affidavit showing that he is in possession by himself or tenant, O. 12, r. 25.

Landlord shall state in his appearance that he appears as such, O. 12, r. 26.

Notice shall be given to plaintiff, O. 12, r. 27.

Limit defence to part of the land, defendant may, by his appearance, or by notice served within four days, otherwise appearance shall be deemed an appearance for the whole, O. 12, r. 28.

Form of limited appearance, A. part II., No. 4.

Appearance (*continued*).*C. How entered (continued).*

Form of notice shall be A. part II., No. 3;
O. 12, r. 29.

Memorandum and duplicate for sealing to be delivered
to the officer, O. 12, r. 8.

Solicitor shall therein state his (and if only agent
the principal solicitor's) place of business and
address for service, O. 12, r. 10.

Defendant in person shall therein state his address
and address for service, O. 12, r. 11.

In default of such address the memorandum shall
not be received, and if address is illusory or
fictitious, the appearance may be set aside,
O. 12, r. 12.

Memorandum of appearance, form shall be A. part II.,
No. 1, with any requisite variation, O. 12, r. 13.

Limiting defence, for recovery of land, A. part II., No. 4.

To counterclaim, 7

Under O. 17, r. 5. 6

Under O. 16, r. 49. 5

Notice of judgment or order, party served with, may
appear without obtaining an order, O. 16, r. 41.

Notice to plaintiff of appearance, with duplicate sealed
memorandum, shall be either served or posted by
prepaid letter on the day of appearance, O. 12, r. 9.

Form of notice shall be ... A. part II., No. 2.

Limiting defence, recovery of land .. 3

Where writ issued in D. R. and appearance in London,
notice must be posted in due time, O. 13, r. 11.

Partners sued in the name of their firm shall appear
individually, but proceedings shall continue in the
name of the firm, O. 12, r. 15.

Sole person sued as firm shall appear in his own
name, O. 12, r. 16.

Probate actions, any person may intervene and appear
on filing an affidavit showing interest, O. 12, r. 23.

Probate action, notice of appearance shall be given by
central office to probate registry, O. 12, r. 3.

Appearance (*continued*).*C. How entered (continued).*

Several defendants appearing at the same time by the same solicitor, their names shall be inserted in one memorandum, O. 12, r. 17.

Third party served with third party notice, appearance by, O. 16, r. 49.

Form of appearance, A. part II., No. 5.

Third party served with counterclaim, appearance by, O. 21, r. 13.

Form of appearance, A. part II., No. 7.

D. Default of Appearance.

Account, in actions for, an order for the account claimed with all necessary inquiries and directions shall be made, O. 15, r. 1.

Admiralty action *in rem*, judge may pronounce for the claim with or without a reference, and may order a sale, or make any other order, O. 13, r. 13.

Affidavit of service shall be filed before plaintiff proceeds, O. 13, r. 2.

Affidavit shall state when, where, how, and by whom, service was effected, O. 67, r. 9.

Bond in action on a, no statement of claim shall be delivered, and plaintiff may at once suggest breaches, O. 13, r. 14.

Chancery, actions in, plaintiff may, on filing affidavit of service, proceed as if appearance entered, O. 13, r. 12.

Damages, in action for, interlocutory judgment may be entered and writ of inquiry issued, but damages may be ordered to be otherwise ascertained, O. 13, r. 5.

Form of interlocutory judgment, F. 2.

Final judgment after assessment of damages, F. 4.

Debt or liquidated demand, where action for, plaintiff may enter final judgment, O. 13, r. 3.

Form of judgment F. 1.

Several defendants, some appearing, some not, plaintiff may enter final judgment against those who have appeared without prejudice to his right to proceed against the others, O. 13, r. 4.

Appearance (*continued*).

D. Default of Appearance (*continued*).

Detention of goods and (or) damages, in action for, interlocutory judgment may be entered and writ of inquiry issued, but value may be ordered to be otherwise ascertained, O. 13, r. 5.

Form of interlocutory judgment, F. 2.

Final judgment after assessment of damages,
F. 4.

Several defendants, some appearing, some not, interlocutory judgment may be entered against those not appearing, and the value or damages assessed at the trial against the other defendants, or in any other way, O. 13, r. 6.

Detention of goods and (or) damages and liquidated demand, plaintiff may enter final judgment for the liquidated demand, and interlocutory judgment for the value and (or) damages, O. 13, r. 7.

Form of final judgment F. 1.

„ interlocutory „ „ 2.

District registry, where defendant has the option of appearing in London, judgment shall not be entered until after such time as a letter duly posted the previous evening ought in due course of post to have reached plaintiff, O. 13, r. 11.

Infant, or person *non compos*, plaintiff shall, before proceeding, apply for an order to appoint guardian, O. 13, r. 1.

Six clear days notice of application must be given unless the court or judge shall dispense therewith, O. 13, r. 1.

Land, in action for recovery of, plaintiff may sign judgment, O. 13, r. 8.

Form of judgment, F. 3.

Where mesne profits, arrears of rent, or damages also claimed, plaintiff may sign judgment under O. 13, r. 8, and proceed as to his other claim, O. 13, r. 9.

Lunatic, see INFANT, *supra*.

Appearance (*continued*).*D. Default of Appearance* (*continued*).

Other actions, in all, not otherwise provided for by O. 13, plaintiff may, on filing affidavit of service, proceed as if appearance entered, O. 13, r. 12.

Solicitor not entering appearance pursuant to his undertaking is liable to an attachment, O. 12, r. 18.

Third party not appearing pursuant to notice admits validity of judgment, and his own liability, but may, after the eight days, obtain leave to appear, on terms, O. 16, r. 49.

Unsound mind, in an action against a person of, not so found, plaintiff shall, before proceeding, apply for appointment of a guardian, O. 13, r. 1.

Six clear days notice of application must be given unless the court or judge shall dispense therewith, O. 13, r. 1.

Applications at Chambers—

See CHAMBERS.

Applications to the Court—

See MOTIONS.

Arbitration and Award—

Abolition of orders to show cause, and rules *nisi* to set aside, remit or enforce an award, O. 52, r. 2.

Appeal from award or certificate in a compulsory reference on any question of law, O. 59, r. 3.

Award or certificate may be set aside or the matter remitted, O. 59, r. 3.

Divisional court, appeal shall be to a, O. 59, r. 3.

Common Law Procedure Acts, provisions of, not affected by O. 36 as to trial, O. 36, r. 10.

Costs may be taxed although time for setting aside award has not elapsed, O. 65, r. 15.

Making submission or award an order of court, no order for, shall be passed until the original submission or award be filed, O. 61, r. 15.

Arbitration and Award (*continued*).

Order shall be transmitted to central office and there filed,
O. 61, r. 31.

Office copy shall be ready within forty-eight hours
after same is bespoken, O. 61, r. 31.

Notice of motion to set aside, remit, or enforce an award shall
state grounds, and copy affidavit shall be served therewith,
O. 52, r. 4.

Orders, forms of :—

Examination of witness before arbitrator ... K. 25.

And production of documents ... K. 26.

Reference to arbitrator ... K. 24.

„ „ master ... K. 34.

Setting aside an award, application may be made before the
last day of the sittings next after publication, O. 64, r. 14.

Submissions to arbitration made orders of court shall be
filed in the central office, O. 61, r. 31. And see MAKING
SUBMISSION, *supra*.

Arrest under the Debtors' Act—

See DEBTORS' ACT.

Assessment of Damages—

Where defendant fails to appear to writ, O. 13, r. 5.

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Form of interlocutory judgment ... F. 2.

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Assessors—

Court, Supreme, may call in the aid of, and try and hear
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terms as court or judge shall direct, O. 36, r. 43.

Assessors (*continued*).

Trial may be ordered to be by judge with assessors, or referee with assessors, O. 36, r. 7 (*a*).

Assets—

Administration of, of a deceased insolvent's estate, and of an insolvent company shall be as in bankruptcy, §§ 10.

Assignee—

Action may be continued by or against assignee, O. 17, r. 3.

Chose in action, power of assignee to sue in his own name, § 25 (6). And see ASSIGNMENT.

Assignment—

Action shall not become defective by the assignment of any estate or title *pendente lite*, O. 17, r. 1.

May be continued by or against the person to or upon whom same has come or devolved, O. 17, r. 3.

And see JOINDER OF PARTIES, C.

Causes and matters; see ASSIGNMENT OF CAUSES AND MATTERS.

Chose in action, assignment of, with notice in writing to debtor, shall be effectual in law; but debtor may interplead or pay debt into court, if assignment disputed, § 25 (6).

New assignment in pleading abolished, O. 23, r. 6.

Everything formerly alleged by way of new assignment may be by amendment, or by reply, O. 23, r. 6.

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Causes and matters, what are specially assigned to each division of the H. C., § 34.

Within the non-exclusive cognizance of the Admiralty Court may be assigned to any division, subject to the power of transfer, O. 5, r. 5.

Chancery Division, causes and matters in, shall no longer be marked at the plaintiff's option, but shall be assigned by the officer to the judge in rotation, O. 5, r. 9.

By marking the writ, originating summons, notice of motion, or petition (as the case may be) O. 5, r. 9.

Assignment of Causes and Matters (*continued*).

Subsequent writs, etc. relating to the same administration or winding up shall be marked for the same judge, and the party presenting such writ, etc., shall, if he have knowledge, certify thereon, O. 5, r. 9 (*e*).

Form of certificate shall be A. part I. No. 19, with any requisite variation, O. 5, r. 9 (*e*).

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Transfer of causes, etc., pending in another division to court in which administration or winding up is proceeding, O. 49, r. 5.

Queen's Bench Division, actions in, shall be assigned to one of the masters, O. 5, r. 6.

Application shall be marked by the master with his name and cause shall thereupon become assigned to him, O. 54, r. 17.

Applications shall be heard by master to whom action assigned, O. 5, r. 6.

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Notice of motion shall state grounds, and copy affidavit shall
be served therewith, O. 52, r. 4.

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Service, original order must be shown, O. 67 r. 1.

Sheriff shall bring in the body upon notice, without any order,
O. 52, r. 11.

Solicitor liable to, for failing to appear, or to put in bail in
admiralty action pursuant to his undertaking, O. 12, r. 18.

So also if he fail to give his client notice of an order for
discovery or inspection, O. 31, r. 23.

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Attachment of Debts—

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Form of affidavit, B. 25.

Costs shall be in the discretion of the court or judge, O. 45,
r. 9.

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Abolition of, and substitution of application for stay of execution, O. 42, r. 27.

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- Next friend's authority to solicitor shall be signed and filed before his name is used, O. 16, r. 20.
- Solicitor shall on demand state whether writ was issued by him or with his authority or privity, O. 7, r. 1.

Award—

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B**Bankers' Books—**

Inspection of, may be given at their usual place of custody, O. 31, r. 17.

Bankruptcy—

Abate, action shall not, by reason of, O. 17, r. 1.

Trustee may be joined, O. 17, r. 2.

Action, claims by trustee in bankruptcy shall not, unless by leave, be joined with other claims, O. 18, r. 3.

Appeal to C.A. in respect of any matter in bankruptcy shall be brought within twenty-one days, O. 58, r. 9.

Defence of bankruptcy, form of, D. sec. 4.

Law of bankruptcy applied to administration actions and the winding up of companies, §§ 10.

London Court of Bankruptcy shall not be united with the Supreme Court, §§ 9.

Appeal from, shall lie to the Court of Appeal, § 18, §§ 9.

Chief judge in bankruptcy, who shall fill the office of, §§ 9.

Rules in force at commencement of Act relating to appeals except so far as expressly varied thereby, shall remain in force until altered or annulled, §§ 18.

Trustees' right to sue shall be denied specifically, O. 21, r. 5.

Unclaimed dividends, any court having jurisdiction in bankruptcy may order payment of, to person entitled, though same vested in the crown by lapse of time, §§ 32.

Bill of Exceptions—

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Bills of Exchange—

Defences, forms of, D. sec. 4.

Parties severally, or jointly and severally, liable, may be joined in one action, O. 16, r. 6.

Pleading; a defence in denial must deny some matter of fact, O. 21, r. 2.

Statements of claim and special indorsments on writ of summons, forms of :—

Indorsee <i>v.</i> acceptor,	C. sec. 4, No. 4.
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"	"	and drawer	...	"	"	5.
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Payee <i>v.</i> drawer, excusing notice	...	"	"	6.
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Writs of summons shall not be issued under the Bills of Exchange Act, O. 2, r. 6.

Bills of Exchange (*continued*).

Indorsements of claim where writ of summons not specially endorsed ... A, part III. sec. 2, Nos 46, 48.

Accommodation bill " " " 37.

Special indorsements; see STATEMENTS OF CLAIM, *supra*.

Bill of Lading—

Pleadings, forms of:—

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Abstract of, form of, to be sent to county court registrar, R. Dec. 1882, r. 1.

Dated, shall be, *ib.* r. 2.

Filed, shall be, *ib.* r. 3.

Index of, *ib.* r. 4.

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Numbered, shall be, *ib.* r. 3.

Office, copy of, *ib.* r. 6.

Search for, *ib.* r. 5.

Affidavit on registering, form of, B. 24.

Department of central office for registering, O. 61, r. 1.

Masters, the, shall be the registrar under the Bills of Sale Act, O. 61, r. 25.

Sale may be ordered of goods seized in execution and claimed under a bill of sale, O. 57, r. 12.

Satisfaction may be entered on consent or registrar's order, O. 61, rr. 26, 27.

Form of summons to enter satisfaction, K. 58.

Search by registrar and certificate of result, O. 61, r. 23.

Bond—

Action on a, under 8 and 9 Will. III., c. 11, on default of appearance, no statement of claim, but suggestion of breaches, shall be delivered, O. 13, r. 14.

Bond (*continued*).

Payment into court shall be to particular breaches only,
O. 22, r. 1.

Arrest under the Debtors' Act, bond to be given on, O. 69, r. 3,
Pleadings, forms of, in action on a bond:—

Claim, statement of, obligee *v.* obligor... C. sec. 4, No. 7.

Defence D. sec. 4.

Security for costs by; see SECURITY FOR COSTS.

Writ of summons, special indorsement on, C. sec. 4, No. 7

Indorsement of claim where no special indorsement, A.
part III. sec. 2, No. 43.

Books—

Inspection of, in constant use in trade or business may be
given at their usual place of custody, O. 31, r. 17.

Bottomry—

Form of statement of claim, C. sec. 3, No. 3.

Production of bond before warrant of arrest can issue, O, 5,
r. 16 (*c*).

May be waived, O. 5, r. 17.

Breach of Promise—

Pleadings, forms of:—

Claim, statement of, C. sec. 5. No. 10.

Defence D. sec. 5.

Trial by jury, right of either party to a, O. 36, r. 2.

Writ of summons, form of indorsement of claim on, A. part
III., sec. 4, No. 47.

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Chambers; see CHAMBERS.

Distribution of, amongst divisions of the High Court, § 33, 34.

Option of plaintiff to choose in certain divisions, §§ 11, O. 5,
r. 5.

Pending business, transfer of, § 22.

Admiralty, chancery, divorce, and probate suits, § 42.

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C

Cancellation—

Actions for, of deeds or instruments assigned to Ch. Div. § 34

Form of indorsement on writ, A. part III., sec. 1, No. 8.

Carriers, Actions against—

Pleadings, forms of:—

Claim, statement of, negligence ... C. sec. 5, No. 7

Damage to goods by sea 4.

„ „ and short delivery „ „ 5.

Lord Campbell's Act ... C. sec. 6, No. 4.

Defence D. sec. 5.

Writs of summons, indorsements of claim on:—

Carriage of goods by railway, A. part III. sec. 4, No. 19

„ sea 20.

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„ „ plaintiff 18

Cause—

See ACTION—JOINDER OF CAUSES OF ACTION—WRIT OF SUMMONS.

Cause Book—

Appearances shall be entered in the, O. 12, r. 14.

Cause or matter “abated” shall be so certified by the solicitor to the officer, O. 17, r. 9.

After one year shall be struck out, O. 17, r. 10.

Cause book, how kept, O. 5, r. 13.

Certificate, date of every, shall be entered in the, O. 61, r. 20

Judgment and order, date of every, shall be entered in the, O. 61, r. 20.

Entry of judgments and orders in Ch. Div. shall contain

Cause Book (*continued*).

a reference to the date and folio of the registrar's book, O. 61, r. 21.

Writs of summons shall be entered in, O. 5, r. 13.

Causes, Assignment of—

See ASSIGNMENT OF CAUSES AND MATTERS.

Central Criminal Court—

Power of fixing sessions, vested in four judges of H. C. ‡ 18.

Central Office—

Affidavits, what shall be filed in, O. 38, r. 10.

Shall not be taken out of, without an order, O. 61, r. 28.

Appearance, London, shall be entered in, O. 12, r. 2.

Business of, ‡ 12.

Cause books; see that title.

Certificate of the dates and proceedings taken in every cause or matter shall, on request and payment of the usual fee, be given by the officer to any person, whether a party or not, O. 61, r. 24.

Chancery registrars' indexes of entries, shall, when completed, be transmitted to central office, and be accessible to the public on payment of the usual fee, O. 62, r. 3.

Chief clerk's certificates, petitions, admissions of evidence, and submissions to arbitration, made orders of court shall be filed in the, O. 61, r. 31; and see O. 55, r. 70.

Office copies shall be ready within forty-eight hours after the same are bespoken, O. 61, r. 31.

Classification of clerks of, ‡ 13.

Concentration and amalgamation of certain offices in, ‡ 5.

Copies, certificates and documents, if duly stamped, shall be received in evidence, O. 61, r. 7.

Deeds, etc., deposited for safe custody, or any other purpose, shall be left in the, O. 61, r. 30.

Directions may be given as to their production, O. 61, r. 30.

Central Office (*continued*).

Departments of, and distribution of business in, O. 61, r. 1.

Enrolment of deeds in, O. 61, r. 9.

Judgments and orders need not be enrolled, O. 61, r. 8.

Entries shall be made in proper books, of the time when every certificate or document is delivered to be filed, and such books shall be accessible to the public on payment of the usual fee, O. 61, r. 18.

Establishment of, ‡ 4.

Indexes or calendars shall be kept, and be accessible to the public on payment of the usual fee, O. 16, r. 17.

Judgments of the Q. B. D., if entered in London, shall be entered in, O. 41, r. 2.

Masters of the Supreme Court, central office shall be controlled by, ‡ 7.

Attendance of one master to control and give directions, O. 61, r. 2.

Attendance, daily, of three taxing masters, O. 61, r. 3.

Oaths, authority of masters, and of certain clerks to administer, O. 61, r. 5.

Office hours, O. 63, r. 9.

Officer required to attend with any record, etc., at any court, etc., is entitled to a deposit to answer his fees, etc., and an undertaking to pay any further fees, etc., O. 61, r. 29.

Officers, right of appointment and removal of, ‡ 9.

Liability to perform each other's duties, ‡ 12.

Pleading or proceeding, date of filing every, shall be printed or written upon every, O. 61, r. 16.

Records shall not be taken out of, without an order, O. 61, r. 28.

Seals of, O. 61, r. 6.

Documents if duly stamped shall be received in evidence, O. 61, r. 7.

Transfer of certain officers to, ‡ 6.

Vacations; see that title.

Writs of summons issued in London shall be issued out of, O. 5, r. 2.

Year, letter and number of cause or matter, shall be written or stamped on the first page of every document, O. 61, r. 19.

Certificate—

Associate or master, to enter up judgment, O. 36, r. 42.

Form shall be B. 17 with any requisite variation, O. 36, r. 42.

Cause or matter, certificate of the dates and proceedings taken in every, shall on request and payment of the usual fee be given by the officer to any person, whether a party or not, O. 61, r. 24.

Assignment of cause or matter in Ch. Div., certificate of solicitor as to, O. 5, r. 9 (*e*).

Form shall be A. part I., No. 19, with any requisite variation, *ib*.

Chief clerks, certificates of; see CHIEF CLERKS.

Counsel, certificate for costs of attendance of, at chambers, O. 65, r. 27, reg. 16.

Counsel, signature and certificate of, on appeal to the H. L., S. O. 2.

Form; Method of Procedure.

Date of every, shall be entered in the cause book, O. 61, r. 20.

Entry of, shall be made in books of central office, which shall be accessible to the public, O. 61, r. 18.

Search, certificate of, in registers at central office, O. 61, r. 23.

Year, letter and number of cause or matter shall be written or stamped on the first page of every document, O. 61, r. 19.

Certiorari—

Order for writ of, to issue to remove county court judgment, form of, K. 30.

Præcipe for writ, G. 13.

Writ of, to county court, form of, J. 9.

General form, J. 10.

Cestui que trust—

Claim of, against trustee under an express trust shall not be barred by any statute of limitations, § 25 (2).

One of several, may have judgment or order for execution of trusts without serving the others, O. 16, r. 36.

Chambers—

A. Generally ; B. Chancery Division ; C. Queen's Bench Division ; D. Probate, Divorce and Admiralty Division ; E. District Registries.

A. Generally.

Accounts, alterations in, verified by affidavit, shall be initialled by the commissioner, O. 38, r. 22.

Accounts, copies and papers left at chambers, shall be written on foolscap paper, bookwise, unless impracticable, O. 66, r. 2.

Accounts, extracts from parish registers, etc., shall be exhibited and not annexed, O. 38, r. 23.

Appeal shall not lie against orders by consent or as to costs, except by leave, § 49.

Nor against discretionary orders as to costs where no motion to set aside or discharge same has been made, § 50.

Applications not made *ex-parte* shall be made by summons, O. 54, r. 1.

Case or point, any, may be reserved for, or directed to be argued before, a divisional court, § 46.

Costs occasioned by non attendance shall be in judge's discretion, who may direct payment by party or his solicitor before matter is reconsidered, O. 54, r. 6 ; and see O. 65, r. 27, reg. 13.

Amount may be fixed and directed to be paid by absent party or his solicitor personally, O. 54, r. 7.

Costs, special allowance may be made in special cases, O. 65, r. 27, reg. 12.

Party appearing where he is not interested, or when he ought not to attend, costs of shall not be allowed, O. 65, r. 27, reg. 23.

Useless attendances or adjournments, O. 65, r. 27, reg. 13.

Counsel, certificate for attendance of, O. 65, r. 27, reg. 16.

Evidence, affidavits previously used in court may be used in chambers, O. 38, r. 21.

Exhibits shall be marked with the short title, O. 38, r. 24.

Chambers (*continued*).

A. *Generally (continued)*.

Party not prepared with proper, may be required to pay costs, O. 65, r. 27, reg. 13.

Ex-parte applications need not be by summons, O. 54, r. 1.

Judge or officer may require any, to be made by summons, O. 54, r. 2.

Payment or transfer out of court, application for shall be by summons, O. 54, r. 2.

Ex-parte, judge may proceed, if parties fail to attend summons, O. 54, r. 5.

And matter shall not be reconsidered unless judge is satisfied that party failing to attend was not guilty of wilful default or negligence, O. 54, r. 6.

Forms:—

Bill of sale, entry of satisfaction on ... K. 58.

Chief clerk's summons to party or witness L. 1.

Directions, summons for ... K. 3.

General form of summons ... K. 1.

Originating summons ... L. 25.

Jurisdiction and powers of judge sitting in chambers, § 39.

Orders which need not be drawn-up, O. 52, r. 14.

Originating summons shall be served seven clear days before its return, O. 54, r. 4.

Printed, summons need not be, O. 19, r. 9.

Several matters may be included in one application or summons, O. 54, r. 9.

Application may be adjourned from chambers into court, or from court into chambers, O. 54, r. 9.

Summons for directions; see that title.

Summons shall be addressed to all persons on whom it is to be served, O. 54, r. 10.

Applications not made *ex parte*, shall be by, O. 54, r. 1.

Affidavit of non-attendance shall not be required or allowed, O. 54, r. 5.

Altered shall not be, except upon application at chambers, O. 54, r. 3.

Form shall be K. 1, with any requisite variation, O. 54, r. 10.

Chambers (*continued*).*A. Generally (continued).*

Further consideration, O. 54, rr. 5, 8.

Further summons shall not be requisite but parties shall attend from time to time, O. 54, r. 8.

Immediate return, summons can have a, by order, O. 54, r. 4.

Party failing to attend, judge may proceed *ex-parte*, O. 54, r. 5.

Matter shall not be reconsidered unless judge is satisfied that party failing to attend was not guilty of wilful default or negligence, O. 54, r. 6.

Order may be made as to costs occasioned by non-attendance, O. 54, r. 6.

Amount may be ordered to be paid by absent party or by his solicitor personally, O. 54, r. 7.

Pauper, summons by ; see PAUPERS.

Payment or transfer out of court, applications for, shall be by summons, O. 54, r. 2.

Served shall be, two clear days before the return unless otherwise ordered, O. 54, r. 4.

Evidence of service may be required, O. 54, r. 5.

Form of affidavit of service, B. 23.

B. Chancery Division.

Administration and execution of trusts ; see that title.

Advertisements for creditors, etc., and proof of claims ; see that title.

Affidavits intended to be used in chambers, notice thereof shall be given, O. 38, r. 20.

Accounts, extracts from parish registers, etc., shall be exhibited and not annexed, O. 38, r. 23.

Alterations in accounts verified by affidavit, shall be marked by the commissioner, and not be made by erasure, O. 38, r. 22.

Exhibits shall bear the short title, O. 38, r. 24.

Chambers (*continued*).*B. Chancery Division (continued).*

Previously read in court, may be used in chambers
O. 38, r. 21.

Attendances : interests may be classified and directions
given as to what parties may attend, O. 55, r. 40.

Other parties may attend at their own expense
and on payment of costs, O. 55, r. 42.

Liberty to attend proceedings, any party may apply
by summons for, O. 55, r. 42.

Order shall be drawn up stating what parties have
liberty to attend, and what have attended at
their own expense, O. 55, r. 43.

Solicitor may be appointed to represent a class, and
any party insisting on a separate solicitor shall
bear his own costs and those of other parties occa-
sioned by his separate representation, O. 55, r. 40.

Parties may be ordered to be represented by a
distinct solicitor, O. 55, r. 41.

Business in chambers shall be carried on in conjunction
with the court business, O. 55 r. 1.

What it shall consist of, O. 55, r. 2.

Certificates of chief clerks ; see CHIEF CLERKS.

Chief clerks ; see that title.

Conduct, any party may apply by summons for the,
O. 55, r. 42.

Conveyancing counsel ; see that title.

Copies, abstracts, or extracts shall, if directed, be supplied,
but not where originals can be brought in, unless
otherwise directed, O. 55, r. 37.

Course of procedure shall ordinarily be the same as in
court upon motions, O. 55, r. 37.

Documents to be left in chambers by the party prosecu-
ting the proceedings :—

Certificate, copy of, of central office of entry to
memorandum of service of a judgment or order,
and of every appearance by a person served
with notice to attend proceedings, O. 55, r. 31.

Chambers (*continued*).*B. Chancery Division (continued).*

Judgment or order, copy of, certified to be a true copy, O. 55, r. 28.

Note, stating names of the solicitors for all the parties, and for which each is concerned, O. 55, r. 30.

Registrar's note (where no order is drawn up) stating for what purpose matter is adjourned from court to chambers, O. 55, r. 29.

Stating what directions given, where matter has been adjourned from chambers to court, O. 55, r. 29.

Experts; judge in chambers may obtain assistance of accountants, merchants, engineers, actuaries, and other scientific persons, and may act on the certificate of any such person, O. 55, r. 19.

Fees to experts shall be regulated by taxing officers, subject to appeal, O. 65, r. 27. reg. 36.

Forms in appendix L., Nos. 11 to 24, shall be used, with any requisite variation, O. 65, r. 75.

Abstract, affidavit verifying	L. 23.
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Accounts, affidavit verifying, and answering inquiries	L. 11.
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Account A therein referred to...	...	L. 12.
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" B " "	L. 13.
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Deeds, affidavit verifying engrossments of...	L. 24.
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List of annuities and arrears due	L. 19.
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Apportionments among creditors or legatees	L. 20.
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Debts allowed	L. 17.
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Legacies remaining unpaid	L. 18.
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Receiver's account	L. 14.
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Recognizance	L. 21.
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Report, affidavit verifying	L. 22.
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Sale, ordinary conditions of...	L. 15.
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Result, affidavit of	L. 16.
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Further consideration; see that title.

Infants, proceedings relating to; see INFANTS.

Chambers (*continued*).*B. Chancery Division (continued).*

Interest; see that title.

Note shall be kept of all proceedings, in chambers with proper dates and a short statement of the questions or points decided, O. 55, r. 73.

Orders may be directed by the judge to be drawn up by the registrars, and entered as orders in court, O. 55, r. 74.

Recognizances required to be given, shall be given to the two senior chief clerks of the judge to whom cause or matter is assigned, O. 60 r. 4.

Vacated, when directed to be, proper officer shall, upon notice, attend one of such chief clerks for the purpose, O. 60, r. 4.

Registrars; see CHANCERY REGISTRARS.

Sales by the court; see SALES BY THE COURT, B.

Solicitor; see ATTENDANCES *supra*.

Summons book, entry to be made in, O. 55, r. 38.

List of each day's appointments shall be posted outside the doors of the chambers, O. 55, r. 39.

Matters shall, subject to special direction, be heard in the order in which they appear in the lists, O. 55, r. 39.

Summons, chief clerk's, for attendance of parties, witnesses or others, shall be in form L. 1, with any requisite variation, O. 55, r. 24.

Summons, originating, shall be in form L. 25, with any requisite variation, O. 55, r. 20.

Copy shall be filed at central office, O. 55, r. 20.

Day and hour of return shall be added after sealing and be marked with chief clerk's seal, O. 55, r. 21.

Parties served shall appear in central office and give notice thereof, O. 55, r. 23.

Prepared, shall be by applicant and sealed in central office, O. 55, r. 20.

Served, seven clear days before the return, O. 54, r. 4.

Where not so served, indorsement may be made and new time appointed, and hearing

Chambers (*continued*).*E. Chancery Division (continued).*

adjourned as to parties previously served.
O. 55, r. 22.

And see ADMINISTRATION AND EXECUTION OF TRUSTS.

Summons to proceed :—

Brought into chambers, the judgment or order shall be, by the party prosecuting, within ten days after same passed and entered, O. 55, r. 32.

In default any other party may bring same in and shall have the prosecution thereof unless otherwise ordered, O. 55, r. 32.

Deed, bringing in for settlement, and delivering copy and objecting thereto within eight days, O. 55 r. 34.

Issued, shall be, upon the judgment or order being brought into chambers, O. 55, r. 33.

Hearing, upon the, the judge shall be satisfied that all necessary parties have been served with notice of the judgment or order, O. 55, r. 33.

Directions shall then be given as to prosecuting the accounts and inquiries, the evidence the parties to attend, and the time within which each proceeding is to be taken, O. 55, r. 33.

May afterwards be varied or added to.
O. 55, r. 33.

Service of the notice of judgment or order may be dispensed with, or substituted service ordered.
O. 55, r. 35.

Advertisements may issue, and accounts may be left, although all parties not served, but other proceedings shall not be taken until all necessary parties have been served, or service has been dispensed with, O. 55, r. 36.

Transmission of papers from chief clerk's chambers to taxing master's office, O. 65, r. 20.

Chambers (*continued*).

B. Chancery Division (continued).

Memorandum of transmission and return, O. 65, r. 21.

Vacations; see that title.

And see CHAMBERS, A. *Generally, supra.*

C. Queen's Bench Division.

Application shall be by summons, O. 54, r. 1.

Marked, shall be, with name of master to whom cause or matter assigned, O. 54, r. 17; O. 5, r. 6.

Vacancy, vacation, illness, or other cause, application may be heard by some other master, O. 5, r. 8.

Appeal from master to judge, O. 54, r. 21.

Appeal shall be by indorsement of summons, or notice to attend judge within four days after decision complained of, or such further time as allowed by judge or master, O. 54, r. 21.

Case or point may be reserved by judge for court, § 46.

Master may refer matters to a judge, O. 54, r. 20.

Judge may dispose of, or refer back, same, O. 54, r. 20.

Stay of proceedings, appeal shall not be, unless so ordered, O. 54, r. 22.

Appeal from judge shall be to a divisional court, O. 54, r. 23; O. 59, r. 1 (*i*).

Appeal shall be by motion, made within eight days after decision appealed against, or on first day on which court may sit, O. 54, r. 24.

Notice of motion shall be served two clear days before the day named for hearing, unless by special leave, O. 52, r. 5.

Debtor's Act, summonses under, shall be heard by a master, but if it be a case for committal he shall refer same to the judge, O. 54, r. 19.

Jurisdiction of master in chambers, and matters excluded therefrom, O. 54, r. 12.

Order shall be sealed and marked with the name of the judge or master by whom made, O. 54, r. 29.

Chambers (*continued*).*C. Queen's Bench Division (continued).*

Form shall be K. 2, with any requisite variation,
O. 54, r. 29; and see ORDERS.

Rota and attendance of masters; see MASTERS.

Summons, applications shall be by, O. 54, r. 1

Copy shall be filed in central office, O. 54, r. 1.

Prepared, shall be by applicant, O. 54, r. 1.

Scaled, shall be, O. 54, r. 1.

Heard, summonses shall be, in their order in the
lists, O. 54, r. 28.

Passed over, shall be, if neither party appears
when first called on, O. 54, r. 28.

Struck out, shall be, if neither party appears
when called on a second time, O. 54,
r. 28.

Time, summonses for, shall be heard in priority,
O. 54, r. 26.

List, summons when issued, shall be entered in a,
O. 54, r. 27.

Counsel summonses shall be distinguished, O. 54,
r. 27.

Masters' summonses shall be distinguished,
O. 54, r. 27.

Returnable, summonses for time shall be, at 10.30
a.m., O. 54, r. 26.

Other summonses at successive hours, com-
mencing at 11 a.m., O. 54, r. 26.

And see CHAMBERS, A., *Generally, supra*.

D. Probate, Divorce and Admiralty Division.

Jurisdiction of registrar in chambers, and matters excluded
therefrom, O. 54, r. 12.

Summons, application shall be by, O. 54, r. 1.

Copy shall be filed in central office, O. 54, r. 1.

Admiralty summons, copy shall be filed in
admiralty registry, O. 54, r. 1.

Prepared, shall be by applicant, O. 54, r. 1.

Scaled, shall be, in central office, O. 54, r. 1.

Chambers (*continued*).*D. Probate, Divorce and Admiralty Division (continued).*

Admiralty summons shall be sealed in admiralty registry, O. 54, r. 1.

And see CHAMBERS, A., *Generally, supra*.

E. District Registries.

Charging orders *nisi*, shall be applied for in, unless otherwise ordered, O. 35, r. 5, (e).

Debtor summonses, O. 35, r. 4.

Execution, applications for leave to issue or renew writs of, O. 35, r. 5, (b).

Garnishee orders *nisi* and examinations of judgment debtors for garnishee purposes, O. 35, r. 5 (e).

Jurisdiction of registrar in chambers, O. 35, r. 6.

Matters excluded therefrom, O. 54, r. 12.

Appeal to judge within six days, O. 35, r. 9.

Chancery, actions in, O. 35, r. 12.

Chancery, affidavits used in London shall be there filed, O. 35, r. 21

Consent to give jurisdiction shall not bar appeal, O. 35 r. 9.

No stay of proceedings unless so ordered, O. 35, r. 10.

Reference to judge, O. 35, r. 8.

Chancery, actions in, O. 35, r. 12.

Chancery, affidavits used in London shall be there filed, O. 35, r. 21.

Chancellor, Lord, The—

See LORD CHANCELLOR, THE.

Chancellor of the Duchy of Lancaster—

Appellate jurisdiction and powers of, transferred to C. A. § 18.

Existing Queen's Counsel and officers, § 78.

Saving clause as to office, position and functions, § 95.

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Abolition of judicial functions, § 96.

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Chancery Action and Matter—

Accounts; see that title.

Action, suit shall be called, O. 1, r. 1.

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Advertisements for creditors and proof of claims; see that title.

Assigned, what causes and matters shall be, to the Chancery

Division, § 34, viz:—

Accounts, taking of.

Administration of estates of deceased persons.

Cancellation of written instruments.

Charges, raising of, on land.

Distribution of proceeds of property.

Foreclosure.

Incumbered property, sale of.

Infants, wardship and care of estates of.

Partition.

Partnership.

Portions, raising of.

Rectification of written instruments.

Redemption of mortgages.

Sale of property subject to any lien or charge.

Sale of real estates.

Setting aside written instruments.

Specific performance.

Trusts, execution of.

Assignment of cause or matter to particular judge, § 42.

In rotation by officer issuing the writ, O. 5, r. 9.

Chambers; see that title.

Default of appearance, action may proceed as if appearance entered, O. 13, r. 12.

Default of pleading, plaintiff may set down action on motion for judgment, O. 27, r. 11.

Disposed of, action shall be, in the first instance before a single judge, § 42.

Further consideration; see that title.

Information shall be instituted by an action, O. 1, r. 1.

Judicial opinion, advice or direction; see that title.

Orders, settling and passing; see CHANCERY REGISTRARS.

Chancery Action and Matter (*continued*).

Pleadings, forms of, in actions for:—

Accounts	...	...	...	C. sec. 2, No. 4.
Administration of estate	...	...	...	" " 1.
" " " wilful default				" " 2.
Dissolution of partnership	...	...	...	" " 3.
Foreclosure or sale	...	...	...	" " 5.
Partition	...	...	...	" " 13.
Raising portions	...	...	...	" " 7.
Rectification of instruments	...	...	...	" " 11.
Redemption	...	...	...	" " 6.
Sale or foreclosure	...	...	...	" " 5.
Subject to lien or charge...	...	...	...	" " 8.
Specific performance	...	...	...	" " 12.
Trust, breach of	...	...	...	" " 9.
" execution of	...	...	...	" " 10.
Wardship of infants	...	...	...	" " 14.

Sales by the court; see that title.

Suits shall be called actions, O. 1, r. 1.

Taxation, reference for, shall be to taxing master in rotation, but where there has been a former taxation in same cause or matter, reference shall be to such master, O. 65, r. 18.

Chief clerks' certificates, and request for transmission of papers from chief clerks' chambers to taxing master's office, O. 65, r. 20.

Memorandum on transmission and return, O. 65, r. 21.

Transfer of actions from other divisions to Chancery Division, in winding up or administration cases, O. 49, r. 5.

Order shall direct to what judge action is assigned, O. 51, r. 7.

Trial at the assizes, or *nisi prius*, O. 36, r. 44.

Trial shall be before a judge without a jury, unless otherwise ordered, O. 36, r. 3.

Writ of summons, indorsement of claims:—

Administration by creditor	A., part III., sec. 1, No. 1.
" " " legatee	" " " 2.
Cancellation of deed	... " " " 8
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Chancery Action and Matter (*continued*).

Mortgagee	Act III. s. 1, No. 4
Mortgagor	"	"	"	5
Partnership...	"	"	"	3
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Rectification of deed	"	"	"	8
Specific performance	"	"	"	9

Chancery Division—

Appeal from ; see APPEAL, C.

Appellate jurisdiction of Court of Chancery, transferred to Court of Appeal, § 18.

But not county court appeals, § 34 (2).

Assignment of action to particular judge, § 42.

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Business, what, assigned to Chancery Division, § 34.

Disposed of, shall be, in the first instance before a single judge, § 42.

Chambers ; see that title.

Chancery court, consolidation of, in Supreme Court, § 3.

Its jurisdiction transferred to H. C., § 16.

Chief clerks ; see that title.

Conveyancing counsel ; see that title.

Division of H. C., Ch. Div. is a, § 31.

Divisional courts for business of Ch. Div., § 43.

Funds in the Ch. Div. shall be vested in the paymaster-general and be subject to the Chancery Funds Act, 1872, and to the rules, § 2.

Interpretation of term court of chancery, § 100.

Judges of, who shall be, § 31 ; and see HIGH COURT OF JUSTICE.

May sit, when required in any divisional court, § 31.

Number, deficiency in, how supplied, § 31 ; and see, ⁺⁺ 6.

Transfer of judge to another division, § 31.

Vacancy, how filled, § 31.

Additional judge to replace M. R. ⁺⁺ 5.

Officers, transfer of, to Ch. Div., O. 60, r. 1 ; and see OFFICERS.

Pending business, transfer of, § 34, § 42.

President of, Lord Chancellor shall be, § 31 (1).

Registrars ; see CHANCERY REGISTRARS.

Chancery Division (*continued*).

Repeal of consolidated orders, 1860, and other orders and regulations; paragraph preceding O. 1, and appendix O.

Chancery Funds Act, 1872—

Amendment of, §§ 30; § 7.

Funds in Ch. Div. shall be subject to this Act, § 2.

Orders for payment or transfer into or out of court shall be drawn up in conformity with rules under this Act, O. 62, r. 16.

Payments into and out of court and money in court shall in Ch. Div. be subject to rules under this Act, O. 22, r. 12.

And see PAYMASTER GENERAL.

Chancery Petition—

Tender of £1 10s. for costs, with notice objecting to party's appearance in court, O. 65, r. 27, reg. 19.

Chancery Registrars—

Attend the judges of the Ch. Div., and the C. A. upon appeals from the Ch. Div., in rotation, O. 62, r. 1.

Bespeaking judgments or orders: party shall leave his brief and such other documents as may be required, O. 62, r. 4.

Within seven days after judgment or order pronounced, O. 62, r. 5.

In default registrar may decline to draw up the judgment or order without leave of the court or judge, O. 62, r. 6.

Chamber orders may be directed to be drawn up by, O. 55, r. 74.

Delivering out the draft judgment or order, registrar shall at the same time deliver out an appointment to settle, O. 62, r. 7.

Notice of such appointment shall be served one clear day before the time appointed, O. 62, r. 8.

Served, may be, by post, O. 62, r. 9.

Entered, all judgments, orders, etc., shall be, within one clear day after same left for entry, O. 62, r. 2.

Chancery Registrars (*continued*).

Entries shall be examined by the clerks, and be marked as examined, O. 62, r. 2.

Indexes and calendars shall be made, and, when completed, transmitted to the central office and be accessible to the public on payment of the usual fee, O. 62, r. 3.

Lists, distinct, of the causes and matters set down to be heard before each judge shall be kept, O. 62, r. 17.

Note of times of commencement and termination of hearing or trial shall be made by, for communication to taxing officer, O. 36, r. 40.

Note to be given by, where any matter is adjourned from court to chambers, or directions given, O. 55, r. 29.

Order for accounts and inquiries, form of, L. 28.

Passing the judgment or order, appointment shall be named on settling, or delivered out, and in the latter case shall be served in like manner as an appointment to settle, O. 62, r. 11.

Served, may be, by post, O. 62, r. 9.

Adjourn appointment, registrar may, O. 62, r. 13.

Failure of any party to attend, or to produce his briefs or documents, registrar may proceed notwithstanding, or may require the matter to be mentioned, O. 62, r. 12.

Registrar may, if he see fit, pass the judgment or order without any appointment or notice to any party, O. 62, r. 14.

Special allowance for costs may be certified for in special cases or of unusual length or difficulty, O. 62, r. 15.

And allowed by the taxing officer, O. 65, r. 27. reg. 11.

Paymaster general; orders for the payment or transfer of money or securities into or out of court shall be drawn up in conformity with rules under the Chancery Funds Act, 1872, O. 62, r. 16; and see PAYMASTER GENERAL.

Petitions shall be answered in the name of the senior registrar, O. 62, r. 18.

Orders on petitions of course shall be drawn up, passed, and entered, under the direction of the registrars, O. 62, r. 18.

Chancery Registrars (*continued*).

Settling the judgment or order; notice of the appointment to settle shall be served one clear day before the time appointed, O. 62, r. 8.

Registrar shall satisfy himself that service duly effected, O. 62, r. 10.

Served, notice may be, by post, O. 62, r. 9.

Both parties shall attend appointment, and produce their briefs and other necessary documents, O. 62, r. 8.

On default by either party, registrar may proceed notwithstanding, or may require the matter to be mentioned, O. 62, r. 12.

Registrar may adjourn the appointment, O. 62, r. 13.

May, if he see fit, settle the judgment or order without any appointment or notice to any party, O. 62, r. 14.

Special allowance for costs may be certified for in special cases, or of unusual length or difficulty, O. 62, r. 15.

And allowed by the taxing officer, O. 65, r. 27, reg. 11.

Succession, saving of registrars' rights of, § 77.

Change of Parties to Actions—

See PARTIES TO ACTIONS.

Change of Place of Trial—

By application at chambers, O. 36, r. 1.

Change of Solicitors—

Notice shall be filed in the central office (or D. R.) and served, and, in chancery causes and matters, left in the judge's chambers, O. 7, r. 3.

Order to change unnecessary, O. 7, r. 3.

Charges on Land—

Raising of portions or charges assigned to Ch. Div., § 34 (3).

Form of statement of claim, C., sec. 2, No. 7.

Sale of proceeds of land subject to charges, actions for, assigned to Ch. Div., § 34 (3).

Form of statement of claim, C., sec. 2, No. 8.

Charging Order for Solicitor's Costs—

Form of order, K. 29.

Charging Stock or Shares—

Affidavit, form of, shall be B. 27, O. 46, r. 4.

Address for service shall be appended, O. 46, r. 5.

Altered, may be, O. 46, r. 7.

Filed, shall be, in central office, O. 46, r. 4.

Note, stating on whose behalf same filed shall be appended,
O. 46, r. 5.

Served, office copy of, shall be, with duplicate notice,
O. 46, r. 4.

"Company," interpretation of term, O. 46, r. 3.

Description of stock in notice of charge, amendment of,
O. 46, r. 11.

Discharge of notice of charge, by order, O. 46, r. 9.

Force and effect, service shall have the same, as a *distringas*,
O. 46, r. 8.

Form of notice of charge shall be B. 22 ; O. 46, r. 4.

Duplicate, sealed by central office, shall be served with
office copy affidavit, O. 46, r. 4.

Notices may be served by post, directed to address for service,
O. 46, r. 6.

Such service shall not be affected by subsequent alter-
ation of address for service, O. 46, r. 7.

Order absolute charging stock may be made by any divisional
court or any judge, O. 46, r. 1.

But not by master in chambers, O. 54, r. 12 (*l*).

Form of order, K. 28.

Order *nisi* charging stock may be made by master, O. 54,
r. 12.

District Registrar may also make order *nisi*, O. 35, r. 5.

Form of order *nisi*, K. 27.

Request by stockholder to transfer stock or pay dividends,
effect of, O. 46, r. 10.

"Stock," interpretation of term, O. 46, r. 3.

Stop order, costs, charges, and expenses occasioned by, may be
ordered to be paid by the person obtaining the order,
O. 46, r. 12.

Charging Stock or Shares (*continued*).

Petition or summons for, order must not be served on unaffected parties, O. 46, r. 13.

Withdrawal of notice of charge, O. 46, r. 9.

Writ of *distringas*, abolition of, O. 46, r. 2.

Charitable Trusts—

Jurisdiction as to, transferred to Chancery Division, § 34.

Charitable Trusts Act, 1853—

Applications under sec. 28 shall be by summons, O. 55, r. 13.

Fees payable on proceedings before judge in chambers, O. 65, r. 24.

Where the matter is directed to be heard in court, O. 65, r. 25.

Orders shall not be subject to appeal where the gross annual income of the charity does not exceed £100, unless by leave, O. 55, r. 14.

Chief Clerks—

A. Certificates of ; B. Powers and Duties of.

A. Certificates of.

Account shall not be set out but referred to, O. 55, r. 68.

Additions, if any, shall be stated, O. 55, r. 68.

Copy need not be taken, O. 55, r. 68.

Fair transcript may be made, O. 55, r. 68.

Filed, or retained in chambers and subsequently filed, O. 55, r. 68.

Items shall be specified by numbers, O. 55, r. 68.

Directions for or touching proceedings before chief clerk shall require no particular form, O. 55, r. 65.

Discharged or varied, may be, by summons within eight days from filing (or two clear days in the case of certificates to be acted upon by the paymaster general, or on passing receivers' accounts) O. 55, r. 70.

Under special circumstances judge may direct certificate to be discharged or varied at any time, O. 55, r. 71.

Unless discharged or varied, certificate shall be

Chief Clerks (*continued*).

A. *Certificates of (continued).*

deemed to be approved and adopted by the judge, O. 55, r. 65.

Documents shall not be set out, but referred to, O. 55 r. 66.

Evidence shall not be set out, but referred to, O. 55, r. 66.

Filed, shall be, in central office, and thenceforth shall be binding, unless discharged or varied, O. 55, r. 70 ; O. 61, r. 31.

Form shall be L. 10, with any requisite variation, O. 55, r. 67.

Concise, certificate shall be, O. 55, r. 65.

Further consideration, matter originating in chambers may after eight and within fourteen days from filing of certificate, be brought on for, by summons, by party having the conduct, and after such fourteen days by any other party, O. 55, r. 72.

Form of summons, O. 55, r. 72.

Served shall be, six clear days before the return, O. 55, r. 72.

Judge's opinion may be taken before the proceedings are concluded, without any fresh summons, O. 55, r. 69.

Judgment or order shall not be set out, but referred to, O. 55, r. 66.

Office copies shall be ready within forty-eight hours from the bespeak, O. 61, r. 31.

Result of proceedings shall be stated, O. 55, r. 65.

Signed, shall be, by the chief clerk, O. 55, r. 67.

Judge's signature unnecessary, O. 55, r. 65.

Taxation, certificates of, for purposes of, O. 65, r. 20.

Transcribed, certificates shall be, when prepared and settled, O. 55, r. 67.

Transmitted, certificates shall be, by chief clerk to the central office, O. 55, r. 70.

B. *Powers and Duties of.*

Acknowledgments, other than acknowledgments by married women, may be taken by, O. 55, r. 16.

Advertisements may be issued by, O. 55, r. 16.

Chief Clerks (*continued*).*B. Powers and Duties of (continued).*

Affidavits may be taken by, O. 55, r. 16.

Deponent liable to the consequences of perjury,
O. 55, r. 17.

Affirming, persons, liable to the consequences of perjury,
O. 55, r. 17.

Computation of interest, or apportionment of fund may
be directed to be certified by, and acted upon by
paymaster general, or other person, O. 55, r. 18.

Examine parties and witnesses, by interrogatories or *vivâ
voce* as and when directed by the judge, O. 55, r. 16.

Party and witness liable to the consequences of
perjury, O. 55, r. 17.

General administration, judgment or order for, shall not
be made by, O. 55, r. 15.

Judge may order what matters shall be heard and
investigated by, O. 55, r. 15.

Judge may give such aid as he thinks fit, O. 55, r. 15.

Opinion of judge may be taken before the pro-
ceedings are concluded, O. 55, r. 69.

Oaths may be administered by, O. 55, r. 16.

Party liable to the consequences of perjury, O. 55,
r. 17.

Recognizances shall be given to the two senior chief
clerks of the judge to whom the cause or matter is
assigned, and shall be vacated by one of such chief
clerks, O. 61, r. 4.

Summon parties and witnesses, may, O. 55, r. 16.

Disobedience amounts to contempt, O. 55, r. 17.

Form of summons, L. 1.

Chief Justice of England—

See LORD CHIEF JUSTICE OF ENGLAND, THE.

Chief Justice of the Common Pleas—

Abolition of office of, order in council, 16th Dec. 1880.

Chief Baron of the Exchequer—

Abolition of office of, order in council, 16th Dec. 1880.

Children—

See INFANTS.

Chose in Action—

Absolute assignment of (not by way of charge only), with notice in writing to debtor, shall be effectual in law, § 25 (6).

Debtor may interplead or pay debt into court, if assignment disputed, § 25 (6).

Power to give discharge shall pass to assignee, § 25 (6).

Prior equities not affected by assignment, § 25 (6).

Christmas—

Christmas Day excluded in computation of less than six days time, O. 64, r. 2.

Holidays at, in offices of Supreme Court, O. 63, r. 6.

Vacation commences 24th Dec. ends 6th January, O. 63 r. 4.

Both days inclusive, O. 63, r. 5.

Circuit—

See ASSIZES.

Claim, Indorsement of—

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Claim, Statement of—

See STATEMENT OF CLAIM.

Claims, Proof of, in Chancery—

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Close of Pleadings—

By joinder of issue simply, O. 23, r. 5.

By default in pleading, statements in last pleading deemed to be denied, and put in issue, O. 27, r. 13.

Collision at Sea—

Admiralty rules shall prevail, where both ships are to blame § 25, (9).

Preliminary act, O. 19, r. 28.

Statement of claim, form of, C. sec. 6, No. 5.

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Writ of summons, forms of indorsement of claim on, A.
part III., sec 6, Nos. 1, 2.

Commencement—

Rules of court, first paragraph preceding O. 1.
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Commission of Appraisement and Sale—

Form of, in admiralty action, H. 16.

Commission of Assize—

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Form of *Præcipe*, G. 18.

Commission to Examine Witness—

Court may order examination by interrogatories or otherwise
O. 37, r. 1.
Form of (short) order for commission, K. 36.
Form of (long) order for commission, K. 37.
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Writ, oaths and direction of writ. J. 13.
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Commissioners for Acknowledgments by Married Women—

Power of appointment and removal of, vested in L. C. J., §§ 26.

Commissioner to Administer Oaths—

Accounts verified by affidavit, alterations in, shall be initialled
by, O. 38, r. 22.
Admiralty bail may be taken before, O. 12, r. 19.
Affidavits sworn in England may be sworn before a, O. 38, r. 4.
Appointment of, by Lord Chancellor, § 84.
Bail shall not be taken by any, on behalf of any person for
whom he or his partner is acting as solicitor or agent,
O. 12, r. 21.

Commissioner to Administer Oaths (*continued*).

Certificates on exhibits signed by, shall be marked with the short title of the cause or matter, O. 38, r. 24.

Chief clerks have power to administer oaths, O. 55, r. 16.

Clerks, first and second class, in filing and record department, have power to administer oaths, O. 61, r. 5.

District registrars have power to administer oaths, § 62.

Fees of commissioners, appendix N., title "Oaths and Exhibits."

Illiterate persons, how affidavits to be taken, O. 38, r. 13.

Interlineations, alterations and erasures must be initialled by commissioner, O. 38, r. 12.

Masters have power to administer oaths, O. 61, r. 5.

Old commissioners in any court shall be commissioners in Supreme Court, § 82.

Taxing officers have power to administer oaths, O. 65, r. 27. reg. 25.

Time and place where affidavit taken, or act done, shall be expressed, O. 38, r. 5.

Transfer of, to Supreme Court, § 77.

Committal—

Debtors Act, under; see DEBTORS ACT.

Judgment to do, or abstain from doing, any act, may be enforced by committal, O. 42, r. 7.

Referee has no power to order committal, O. 36, r. 51.

Sheriff shall bring in the body upon notice, without any order, O. 52, r. 11.

Common Law—

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Common Law Procedure Acts—

Nothing in O. 36 shall affect any proceedings under the provisions of these Acts relating to arbitration, O. 36, r. 10.

Common Pleas at Lancaster—

See COUNTY PALATINE OF LANCASTER.

Common Pleas, Court of—

- Consolidated in Supreme Court, § 3.
- Jurisdiction transferred to High Court, § 16.
- Pending business, transfer of, § 34.

Common Pleas Division—

- Consolidated in Q. B. D., order in council, 16th Dec., 1880.

Company—

- Appeal in the matter of the winding up of a company shall be brought within twenty-one days, O. 58, r. 9.
- Discovery in aid of execution against a, officer of, may be ordered to be orally examined as to debts, property, and means, O. 42, r. 32.
- Execution against shareholders, leave to issue is necessary, O. 42, r. 23 (*d*).
- Interrogatories, administration of, by order, to member or officer of, O. 31, r. 5.
- Judgments or orders against, may, by leave, be enforced by sequestration against the corporate property, by attachment against the officers, or sequestration against their property, O. 42, r. 31.
- Pleadings, forms of:—
 - Claim, statement of, in action on a fraudulent prospectus... .. C. sec. 6, No. 13.
 - Company *v.* shareholder for allotment money and calls C. sec. 4, No. 9.
 - Defence D. sec. 6.
- Service of writ of summons upon, O. 9, r. 8.
- Winding up of any insolvent company under the Companies Acts, in the, the same rules shall prevail as in bankruptcy, §§ 10.
- Transfer of pending actions to court in which winding up is proceeding, O. 49, r. 5.
- Writ of summons, indorsement of claim for calls upon shares where no special indorsement, A. part III., sec. 2, No. 52.
- Return of deposit on shares " " " 34.
- Special indorsement for allotment money and calls, C., sec. 4, No. 9.

Compensation—

Abolished office, § 80.

Persons aggrieved by Act of 1879, ‡ 25.

Secretary to visitors of lunatics, §§ 31.

Complaint—

See STATEMENT OF CLAIM.

Computation of Time—

See TIME.

Concurrent Writ of Summons—

Date of issue shall be marked, O. 6, r. 1.

Duration shall be the same as that of original writ, O. 6, r. 1.

Issued, may be, within twelve months of issue of original writ, O. 6, r. 1.

Renewal of, O. 8, r. 1.

Teste shall be of the same day as original writ, O. 6, r. 1.

Writs for service within, may be concurrent with those for service without, the jurisdiction, and *vice versa*, O. 6, r. 2.

Condition—

Averment of performance or occurrence of conditions precedent shall be implied in pleading, O. 19, r. 14.

Condition precedent intended to be contested, shall be distinctly specified in pleading, O. 19, r. 14.

Waiver of condition on which judgment or order obtained, by non-performance thereof, O. 42, r. 2.

Conditions of Sale—

See SALES BY THE COURT.

Conduct—

Action or proceeding in the administration or execution of trusts, conduct of any, may be given to such person as judge may think fit, O. 16, r. 39.

Application for, by any party who has not been directed to attend the proceedings in chambers, O. 55, r. 42.

Sale of property ordered in an action for administration or execution of trusts, conduct of, shall be given to the

Conduct (*continued*).

executor, administrator, or trustee unless otherwise directed, O. 50, r. 10.

Confession—

Defence arising after action, confession of, O. 24, r. 3.

Form of confession, B. 5.

Judgment may be signed thereon for costs, O. 24, r. 3.

Form of judgment, F. 15.

Conflict of Rules—

See LAW—EQUITABLE RIGHTS, RELIEF AND RULES.

Consent—

District registrar's orders, appeal lies against, notwithstanding that he had jurisdiction only by consent, O. 35, r. 9.

Evidence by affidavit, consent to taking; see AFFIDAVIT, C.

Next friend to plaintiff under disability, written consent to be added as, is necessary, O. 16, r. 11.

Judgment, consent of defendant to order for, shall be given by his solicitor or agent, O. 41, r. 9.

Where defendant has not appeared, or has appeared in person, O. 41, r. 10.

Orders made by consent shall not be subject to appeal, § 49.

Except those made by district registrars, O. 35, r. 9.

Plaintiffs, persons added as, written consent necessary, O. 16, r. 11.

Time for delivering or amending any pleading may be enlarged by consent, O. 64, r. 8.

Consolidation—

Actions may be consolidated by order as heretofore at common law, O. 49, r. 8.

Where money is paid into court in consolidated actions and plaintiff fails at trial in one, the money paid in and the costs in all the actions shall be dealt with as in the action tried, O. 22, r. 8.

Constitution—

Court of Appeal, §§ 4.

Constitution (*continued*).

Divisional Courts, § 40.

High Court of Justice, § 5.

Judicial Committee of Privy Council, † 14.

Supreme Court, § 3.

Construction—

See STATUTES.

Contempt—

Referee has no power to commit for, O. 36, r. 51.

Contract—

Bare denial of, in pleading, how construed, O. 19, r. 20.

Cancellation or rectification of, actions relating to, assigned to Ch. Div., § 34.

Costs; where amount recovered does not exceed £20, plaintiff shall have none, unless he obtain judge's certificate or order, § 67.

Where amount recovered does not exceed £50, plaintiff shall have county court costs only, unless otherwise ordered, O. 65, r. 12.

And costs of one counsel only, unless for special reasons more than one counsel be proper, O. 65, r. 27, reg. 46.

Illegality or insufficiency in law must be specially pleaded, O. 19, r. 20.

Joint or several, all or any of the persons liable may be joined as defendants, O. 16, r. 6.

Pleading any contract implied from several documents or circumstances, O. 19, r. 24.

Specific performance of, actions relating to, assigned to Ch. Div., § 34.

Stipulations, not being of the essence of, shall be construed as in equity, § 25 (7).

This applies from the commencement of the Act, §§ 10.

Contribution—

Notice of claim by defendant for contribution or indemnity from third parties may be issued by leave, O. 16, r. 48.

Contribution (*continued*).

Form of order giving leave, K. 23.

Filed, sealed, and served, shall be, as a writ, O. 16, r. 48.

Form of notice shall be, B. 1. : O. 16, r. 48.

Served, shall be, with copy writ or statement of claim, within time for defence, O. 16, r. 48.

Notice of claim by defendant for contribution or indemnity against any other defendant may be issued, and proceedings taken, as if such defendant were a third party, O. 16, r. 55.

Order to discharge, or vary order, form K. 14.

Party served with third party notice and not appearing within eight days admits the validity of the judgment, and his own liability, O. 16, r. 49.

Form of appearance, A., part II., No. 5.

Leave to appear may be given, upon terms, after the eight days, O. 16, r. 49.

Proceedings may be taken as may be ordered, O. 16, r. 53.

Relief, all, claimed by defendant against third party shall be granted, § 24 (3).

And see **THIRD PARTIES**.

Conversion of Goods—

Pleadings, forms of :—

Claim, statement of C. sec. 6, No. 1.

Defence D. sec. 6.

Writ of summons, form of indorsement of claim on, A. part III., sec. 4, No. 23.

Conveyancing Counsel—

Business shall be distributed in rotation by registrar's clerk, O. 51, r. 9.

Record of references, with index and dates shall be kept, O. 51, r. 10.

Rotu shall be kept secret, O. 51, r. 10.

Expense of previous or subsequent settlement of drafts by other counsel on behalf of same parties shall not be allowed, unless directed, O. 65, r. 22.

Conveyancing Counsel (*continued*).

Fees shall be regulated by taxing officers, subject to appeal
O. 65, r. 27, reg. 36.

Illness, etc., of counsel in rotation, O. 51, r. 12.

Judge may direct or transfer a reference to any particular
counsel, O. 51, r. 13.

Matter, any, may be referred which the court or judge thinks
fit to refer, O. 51, r. 7.

Memorandum or minute of the order of reference, shall be
prepared and signed by the registrar or chief clerk,
O. 51, r. 11.

Note specifying the name of the counsel in rotation
shall be added by registrar's clerk, O. 51, r. 11.

Party prosecuting the order shall leave the memorandum
with the counsel, and same shall be an authority to
him to proceed, O. 51, r. 11.

Opinion may be received and acted upon by the court or
judge, O. 51, r. 7.

Any party may object to the opinion, and thereupon the
point in dispute shall be disposed of at chambers
or in court as the judge thinks fit, O. 51, r. 8.

Co-partners—

See PARTNERS.

Copies—

Accuracy, solicitor furnishing copy, shall be answerable for,
O. 66, r. 7. (*l*).

Affidavit, deposition or certificate, office copy of any shall be
made and taken by party filing original, O. 66, r. 7. (*f*).

And shall produce the same on every proceeding, O. 66,
r. 7. (*g*).

Note stating on whose behalf affidavit filed shall be
made, O. 66, r. 7. (*k*).

Office copies may in all cases be used, O. 38, r. 15.

Where original allowed to be used, office copy need
not be taken, O. 65, r. 27, reg. 53.

Chambers, copies left at, shall be written on foolscap paper,
bookwise, O. 66, r. 2.

Copies (*continued*).

Chambers of Ch. Div., copies shall, if directed, be supplied for use of judge and chief clerks, and handed over to other parties, O. 55, r. 37.

Charge for written copies shall be 4d. per folio, O. 65, r. 27, reg. 18.

For prints, 1d. per folio for one, and $\frac{1}{2}$ d. per folio for every other copy, O. 66, r. 7 (*e*).

Documents, notice to produce, for inspection and copies, O. 31, r. 15.

Form of notice shall be, B. 9 ; O. 31, r. 16.

Solicitor producing, is to be paid for copies, and on his neglecting to supply same, inspecting party may make same, O. 65, r. 27, reg. 18.

Evidence, D. R. office copies shall be received in, § 61.

So also with central office, O. 61, r. 7.

Folios shall be marked on all copies, O. 66, r. 7 (*m*).

Injunction, copies of affidavits shall be furnished immediately, O. 66, r. 7 (*j*).

Legible, copies shall be neat and legible, O. 66, r. 7 (*m*).

Name and address of party furnishing copy shall be indorsed. O. 66, r. 7 (*l*).

Office copy ; see that title.

Paper, copies shall be written on same paper as prints, O. 66, r. 7. (*n*).

Paper for prints shall be cream wove machine drawing foolscap folio paper, 19 lbs per mill ream, O. 66, r. 3.

Prints, not exceeding ten, shall be supplied on demand and payment, O. 66, r. 7, (*e*).

Written copies not allowed for, where party entitled to take prints, unless otherwise ordered, O. 66, r. 7 (*e*).

Written copy shall be furnished by party filing original, when original not printed, O. 66, r. 7. (*h*).

Within twenty-four hours from request and undertaking to pay, O. 66, r. 7. (*i*).

In default party may take copy and no costs shall be due in respect of the copy applied for, O. 66, r. 7. (*n*).

Copyright—

Pleadings, forms of :—

Claim, statement of, in action for infringement, C. sec. 6.
No. 7.

Defence D. sec. 6.

Writ of summons, form of indorsement of claim on, A. part
III., sec. 4, No. 67.

Corporation—

Discovery in aid of execution against a, officer of, may be
ordered to be orally examined as to debts, property, and
means, O. 42, r. 32.

Execution against shareholders, leave to issue is necessary,
O. 42, r. 23 (*d*).

Interrogatories may be administered by order, to officer of,
O. 31, r. 5.

Judgments or orders against, may, by leave, be enforced by
sequestration against the corporate property, by attach-
ment against the officers, or sequestration against their
property, O. 42, r. 31.

Writ of summons, service of, upon, O. 9, r. 8.

And see COMPANY.

Costs—

*A. Generally; B. Special Provisions; C. Security for
D. Taxation.*

A. Generally.

All costs shall be in the discretion of the court, subject
to the Act and rules, O. 65, r. 1.

Appeal as to costs, what appeals not allowed, § 49.

Appeal, Court of, may make such order as to costs as may
seem just, O. 58, r. 4.

Application of former allowances, where none other pro-
vided, O. 65, r. 27, reg. 30.

Of former rules and practice as to costs, *ib*, reg. 37.

Cross costs may be adjusted by deduction or set-off, O.
65, r. 27, reg. 21.

Discretionary allowances, what matters the taxing officer
is to take into consideration, O. 65, r. 27, reg. 38.

Costs (*continued*).*A. Generally (continued).*

District registry, costs shall be the same as in London,
O. 65, r. 27 reg. 43.

Fund, saving of right of executor, administrator, trustee, or mortgagee, to costs out of estate or fund where he has not unreasonably instituted, carried on, or resisted any proceedings, O. 65, r. 1.

Higher and lower scales, when applicable respectively, O. 65, rr. 8, 9, 10.

Power of court or judge to allow costs on higher scale, O. 65, r. 9.

Power of taxing officer to allow costs on higher scale as against client, O. 65, r. 10

Improper, vexatious, or unnecessary costs may be disallowed by the court, judge, or taxing officer, O. 65, r. 27, reg. 20.

May be ordered to be borne by the solicitor personally, O. 65, r. 11.

Improper appearance in court or chambers, costs of, shall not be allowed unless expressly ordered, O. 65, r. 27, reg. 23.

No costs which do not appear to be necessary and proper, or which were incurred through over caution, neglect, or mistake, shall be allowed, O. 65, r. 27, reg. 29.

Interlocutory applications, costs of, may be ordered to be by payment of a sum in gross in lieu of taxed costs, O. 65, r. 23.

Issues of fact and law, costs of, shall follow the event unless otherwise ordered, O. 65, r. 2.

Master at chambers has no jurisdiction to award costs, except of proceedings before him, or where authorised by the rules, court or judge, O. 54, r. 12, (*i*).

Negligence, taxing master shall look into and may disallow costs incurred by O. 65, r. 27, reg. 20 ; and see O. 65, rr. 5, 11, and O. 65, r. 27, reg. 29.

Prolivity in :—

Affidavits, O. 38, r. 3.

Costs (*continued*).*A. Generally (continued).*

Titles to affidavits, O. 38, r. 2.

Interrogatories, O. 31, r. 3.

Notices to admit or produce, O. 32, r. 9.

Pleadings, O. 19, rr. 2, 5.

Longer forms than those in appendices, when same are applicable and sufficient, shall be deemed prolix, O. 19, r. 5.

Proceedings generally, O. 65, r. 27, reg. 20.

Writs of summons, and indorsements thereon, O. 2, r. 2.

Taxing master shall look into and may disallow costs of undue prolixity, O. 65, r. 27, reg. 20.

Properly incurred, but which prove fruitless by reason of delay, or of misconduct or default of solicitor, may be disallowed, and solicitor may be ordered to repay costs paid by client, O. 65, r. 11.

Rules of court may be made for regulating costs, §§ 17.

Saving as to former allowances, O. 65, r. 27, reg. 30.

Former rules and practice, *ib*, reg. 37.

Scales of costs, appendix N.

B. Special Provisions.

Account, consisting in part of bill of costs, reference thereof to taxation, O. 65, r. 27, reg. 26.

Accounts and inquiries, where there is undue delay in prosecution, order may be made as to the costs, O. 33, r. 9.

Admission, costs of proving documents not admitted where no certificate given that refusal reasonable, or whereof notice not given, O. 32, r. 2.

Of proving facts not admitted, where no certificate given or order made, O. 32, r. 4.

Special allowance for costs of admissions of facts, may be made, O. 65, r. 27, reg. 1.

Affidavit evidence, cost of producing deponent for cross examination shall not be demanded in the first instance, O. 38, r. 28.

Costs (*continued*).*B. Special Provisions (continued).*

- Affidavits not drawn up in the first person, and not divided into numbered paragraphs, each confined to a distinct portion of the subject, and not written or printed bookwise, shall not be allowed, O. 38, r. 7.
- Attendances on deponents to settle and read over, no separate allowance for, O. 65, r. 27, reg. 5.
- Counsel's reasonable fees to settle are to be allowed, O. 65, r. 27, reg. 15.
- Copy for counsel to settle, no separate charge for, O. 65, r. 27, reg. 2.
- Deponent resident at a distance, special allowance in case of, O. 65, r. 27, reg. 4.
- Prolix affidavits, costs of, shall be borne by the party filing same, O. 38, r. 3.
- Titles, costs occasioned by unnecessary prolixity in, shall be disallowed, O. 38, r. 2.
- Several deponents, special allowance in case of, O. 65, r. 27, reg. 4.
- Special affidavits, special allowance may be made for costs of, O. 65, r. 27, reg. 1.
- Striking out scandalous matter, costs of application may be ordered to be paid as between solicitor and client, O. 38, r. 11.
- Taxing officer shall look into and may disallow costs of prolix affidavits, O. 65, r. 27, reg. 20.
- Agency correspondence in country agency cases, special allowance may be made in respect of, O. 65, r. 27, reg. 10.
- Answers to interrogatories, special allowance for, may be made, O. 65, r. 27, reg. 1.
- Appeal, Court of, costs of printing evidence for use in, shall be borne by party printing, unless otherwise ordered, O. 58, r. 12.
- Appearance by same solicitor in chambers of Ch. Div., where interests can be classified, O. 55, r. 40.
- Judge may require any party to be represented by a distinct solicitor, O. 55, r. 41.

Costs (*continued*).*B. Special Provisions (continued).*

Arrest under Debtor's Act, costs shall be costs in the cause, unless otherwise ordered, O. 69, r. 5.

Attachment of debts, costs shall be in the discretion of court or judge, O. 45, r. 9.

Costs on barring claim of third person, O. 45, r. 6.

Briefs prematurely prepared or delivered, and cause never tried, costs of, shall not be allowed, O. 65, r. 27, reg. 49.

Special allowance for costs may be made in respect of briefs, O. 65, r. 27, reg. 3.

Where plaintiff recovers not exceeding £50 in contract, one only shall, unless for special reasons, be allowed, O. 65, r. 27, reg. 46.

Chambers, abortive attendances at, O. 65, r. 27, reg. 13.

Certificate for counsel's attendance at, *ib.* reg. 16.

Certificate of chief clerk in Ch. Div., where costs dealt with at chambers, *ib.* reg. 22.

Improper or unnecessary appearance in, costs of, shall not be allowed, unless ordered, *ib.* reg. 23.

Neglect to attend, or to be prepared with proper evidence, *ib.*, reg. 13.

Non-attendance at, and rehearing, where absence was not due to wilful delay or negligence, O. 54, r. 6.

Proceeding failing by reason of non-attendance and judge refusing to proceed *ex parte*, O. 54, r. 7.

Special allowances may be made in respect of attendances and work at, O. 65, r. 27, reg. 12.

Chancery petition, tender of £1 10s. for costs on service of, with notice objecting to party's appearance in court, O. 65, r. 27, reg. 19.

Charging order for solicitor's costs, form of, K. 29.

Charitable Trusts Act, 1853, s. 28, fees payable on proceedings before a judge in chambers, O. 65, r. 24.

When directed to be heard in court, O. 65, r. 25.

Confession of defence after action, plaintiff entitled to his costs, unless otherwise ordered, O. 24, r. 3.

Form of judgment, B. 5.

Costs (*continued*).

B. *Special Provisions (continued)*.

Contract, where plaintiff recovers not exceeding £20, he shall have no costs unless he obtains judge's certificate or order, § 67.

Where amount recovered does not exceed £50, plaintiff shall have county court costs only, unless otherwise ordered, O. 65, r. 12.

And costs of briefing one counsel only unless for special reasons more than one counsel be proper, O. 65, r. 27, reg. 46.

Counsel's clerk's fees, O. 65, r. 27, reg. 51.

Counsel's fees to settle or advise, such as are just and reasonable shall be allowed, O. 65, r. 27, reg. 15.

Certificate for counsel's attendance at chambers necessary, *ib.*, reg. 16.

Conferences not allowed in addition to drawing and settling or perusing, or advising fees, unless for special reason, *ib.*, reg. 45.

Conveyancing counsel of the court, fees of, shall be regulated by taxing officers, subject to appeal, O. 65, r. 27, reg. 36.

Copy document for counsel to settle, no separate charge for, *ib.*, reg. 2.

Drafts settled by conveyancing counsel of the court, expense of previous or subsequent settlement by other counsel on behalf of same parties, shall not be allowed, unless directed, O. 65, r. 22.

One counsel only allowed, where plaintiff recovers not exceeding £50 in contract, unless for special reasons, *ib.*, reg. 46.

Refreshers, what and when allowed, *ib.*, reg. 48.

Retainers not allowed between party and party, *ib.*, reg. 44.

Where allowed, may be to two counsel of outer bar, *ib.*, reg. 47.

Voucher required on taxation, *ib.*, reg. 52.

Countermand notice of trial, terms may be imposed as to costs, O. 36, r. 19.

Costs (*continued*).*B. Special Provisions (continued).*

Court, improper appearance in, costs of, shall not be allowed unless ordered, O. 65, r. 27, reg. 23.

Creditor's costs of establishing debt in Ch. Div. shall be added to debt, O. 55, r. 58.

Cross appeal, where respondent omits to give notice by way of, special order as to costs may be made, O. 58, r. 6.

Crown side of Q. B. D., O. 65 as to costs applied to civil proceedings in, O. 68, r. 2.

Defect, cause struck out on account of, defendant's costs in any event, O. 65, r. 27, reg. 50.

Defence, facts denied or not admitted, which ought to have been admitted, order may be made as to extra costs, O. 21, r. 9.

Defendants, several, employing same solicitor, taxing officer shall consider costs of separate proceedings or pleadings by, O. 65, r. 27, reg. 8.

Delivery of documents, fees for, not allowed where same solicitor acts for both parties, unless same necessary for an affidavit of service, O. 65, r. 27, reg. 6.

Discontinuance, defendant entitled to costs, O. 26, r. 1.

Defendant may sign judgment for such costs, if not paid within four days from taxation, O. 26, r. 3.

Form of judgment, F. 14.

Discovery in aid of execution, costs of, are discretionary O. 42, r. 34.

Estate or fund, saving of right of executor, administrator, trustee, or mortgagee, to costs out of, where he has not unreasonably instituted, carried on, or resisted any proceedings, O. 65, r. 1.

Evidence, just and reasonable charges in procuring, are to be allowed, O. 65, r. 27, reg. 9.

Counsel's reasonable fees are to be allowed, *ib*, reg. 15.

Ex parte motion, power to impose terms as to costs, O. 52, r. 3.

Costs (*continued*).

B. *Special Provisions (continued)*.

Executōr's right to costs out of estate or fund preserved where he has not unreasonably instituted, carried on, or resisted proceedings, O. 65, r. 1.

Experts, fees of, shall be regulated by taxing officers subject to appeal, O. 65, r. 27, reg. 36.

Fi fa on order for costs, form of, H. 2.

Folio is to comprise seventy-two words or figures, O. 65, r. 27, reg. 14.

Guardian *ad litem* of an infant or person *non compos*, costs of, may be directed to be paid by the parties to the cause or matter, or out of any fund in court, O. 65, r. 13.

Improper, unnecessary, or vexatious proceedings generally, O. 65, r. 27, reg. 20.

Inferior court, costs below of cause removed from, shall be costs in cause, O. 65, r. 3.

Inspection of documents under O. 31, r. 15, costs of, not allowed unless inspection reasonable, O. 65, r. 27, reg. 17.

Interest on costs runs from date of judgment or order; see note to H. 1.

Interlocutory applications, costs of, may be ordered to be by payment of a sum in gross in lieu of taxed costs, O. 65, r. 23.

Interpleader, all just and reasonable orders as to costs may be made, O. 57, r. 15.

Interrogatories, costs of unreasonable, vexatious, or improper, shall be borne by the party in fault, O. 31, r. 3.

Taxing master shall look into and may disallow same, O. 65, r. 27, reg. 20.

Irregularity, summons taken out for, with costs and dismissed generally, is dismissed with costs, O. 70, r. 4.

Misconduct in proceedings, O. 65, r. 27, reg. 20.

Misjoinder of plaintiffs, O. 16, r. 1.

Mortgagee's right to costs out of estate or fund preserved,

Costs (*continued*).*B. Special Provisions (continued).*

where he has not unreasonably instituted, carried on or resisted any proceedings, O. 65, r. 1.

Negligence in proceedings, O. 65, r. 27, reg. 20 ; and see O. 65, rr. 5, 11, and O. 65, r. 27, reg. 29.

Notices to admit or produce, costs occasioned by including unnecessary documents, shall be borne by the party giving the notice, O. 32, r. 9.

Pauper, costs ordered to be paid to a, shall be taxed as in other cases, unless otherwise ordered, O. 16, r. 31.

Payment into court and acceptance, costs may be taxed four days afterwards, and on non-payment in forty-eight hours, judgment may be signed, O. 22, r. 7.
Form of judgment, F. 16.

Perusals, fees for, not allowed where same solicitor for both parties, O. 65, r. 27, reg. 7.

Petition, chancery, tender of £1 10s. for costs on service of with notice objecting to party's appearance in court O. 65, r. 27, reg. 19.

Pleadings, amendment of plaintiff's pleadings, costs of shall be defendant's costs in cause, O. 65, r. 27, reg. 31.

Defendant shall have costs of plaintiff's disallowed amendments, O. 65, r. 27, reg. 32.

Copy to settle shall not be allowed, O. 65, r. 27, reg. 2.

Counsel's reasonable fees to settle are to be allowed. O. 65, r. 27, reg. 15.

Longer forms than those in appendices, when same are applicable and sufficient, shall be deemed prolix, O. 19, r. 5.

Prolivity, costs occasioned by, shall be borne by the party chargeable therewith, O. 19, rr. 2, 5.

Several defendants employing same solicitor, taxing officer shall consider costs of separate pleadings or proceedings by, O. 65, r. 27, reg. 8.

Special allowance may be made for costs of pleadings. O. 65, r. 27, reg. 1

Costs (*continued*).*B. Special Provisions (continued).*

Taxing master shall look into and may disallow costs of improper, prolix, unnecessary, etc. pleadings, O. 65, r. 27, reg. 20.

Printing documents, order may be made as to costs of, O. 66, r. 7 (o).

Printing evidence for use in C.A., costs shall be borne by party printing, unless otherwise ordered, O. 58, r. 12.

Probate in solemn form, costs after defendant's notice to cross-examine witnesses only, O. 21, r. 18.

Proximity in:—

Affidavits, O. 38, r. 3.

Titles to affidavits, O. 38, r. 2.

Interrogatories, O. 31, r. 3.

Notices to admit or produce, O. 32, r. 9.

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"	how heard	"	"	(d)
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Deponent's attendance for cross-examination on his affidavit may be ordered, O. 38, r. 1.

Examiner, party or witness having made an affidavit, shall be bound to attend for cross-examination, on being served with *subpœna*, O. 37, r. 20.

Practice as to cross-examination at a trial shall apply.
O. 37, r. 22.

Witnesses produced before an examiner shall be subject to cross-examination, O. 37, r. 11.

Trial by affidavit evidence, deponent's attendance for cross-examination may be required by notice, O. 38, r. 28.

Form of notice, B. 20.

Party filing affidavit may compel deponent's attendance,
O. 38, r. 29.

Crown Cases Reserved—

Court for the determination of, § 47.

Decision shall be final and without appeal, § 47.

Interpretation of term, when used in Act, § 100.

Crown Office and Crown Side of Q. B. D.—

Affidavits, rules of O. 38 applied in civil proceedings, O. 68, r. 2.

Shall be intituled in the Q. B. D., O. 68, r. 4.

Amendments, rules of O. 28 applied in civil proceedings, O. 68, r. 2.

Appeals, rules of O. 58 applied in civil proceedings, except *quo warranto*, O. 68, r. 2.

Civil proceedings includes *mandamus*, *quo warranto*, and prohibition, O. 68, r. 2.

Copies, rules of O. 66 applied in civil proceedings, O. 68, r. 2 (*h*).

Costs, rules of O. 65 applied in civil proceedings, O. 68, r. 2.

Crown office amalgamated with central office, ‡ 5.

Department of central office, O. 61, r. 1.

Divisional court, proceedings on the Crown side shall continue to be heard by a, O. 59, r. 1 (*a*).

Mandamus, a civil proceeding for purpose of O. 68; O. 68, r. 2.

Motions, rules of O. 52 applied in civil proceedings, O. 68, r. 2.

Non-compliance, rules of O. 70 applied in civil proceedings, O. 68, r. 2.

Notices, rules of O. 66 applied in civil proceedings, O. 68, r. 2.

Office copies, rules of O. 66 applied in civil proceedings, O. 68, r. 2 (*h*).

Paper books, two only, to be delivered, R. 22nd Jan., 1877, r. 1.

Paper, rules of O. 66 applied in civil proceedings, O. 68, r. 2 (*h*).

Printing, rules of, O. 66 applied in civil proceedings, O. 68, r. 2 (*h*).

Prohibition, a civil proceeding for purpose of O. 68; O. 68, r. 2.

Pleadings and proceedings shall be, as nearly as may be as in an ordinary action for damages, O. 68, r. 3.

Queen's coroner and master of crown office are masters of the Supreme Court, ‡ 8.

Right of appointment vested in L. C. J., ‡ 9.

Transferred to central office, ‡ 6.

Quo warranto is a civil proceeding for purpose of O. 68; O. 68, r. 2.

Saving of existing practice and procedure, O. 68, r. 1.

Special case, rules of O. 34 applied in civil proceedings, O. 68, r. 2.

Crown Office and Crown Side of Q. B. D. (*continued*).

Time, rules of O. 64 applied in civil proceedings, O. 68, r. 2.

Custody—

Documents may be deposited in central office for safe custody, O. 61, r. 30.

Infants, rules of equity shall prevail in questions relating to custody and education of, § 25 (10).

Lunatics, and idiots, jurisdiction as to custody and estates of, not transferred to H. C., § 17.

Subject matter of action, order may be made for custody of O. 50, r. 1.

Application for order, O. 50, r. 7.

D

Damages—

Assessment of damages, by writ of inquiry (or, by order, by any other mode) on default of appearance, O. 13., r. 5.

Default of defence, on, O. 27, r. 4.

Separate judgments for debt and damages, O. 27, r. 6.

Several defendants, some defending, some not, O. 27, r. 5.

Witnesses shall be examined *vivâ voce*, O. 37, r. 1.

Assessment of damages in respect of continuing cause of action shall be down to time of assessment, O. 36, r. 58.

Deemed in issue, damages shall be, in all cases unless expressly admitted, O. 21, r. 4.

Land, action for recovery of, assessment of damages in, on default of appearance, O. 13, r. 9.

Default of defence, on, O. 27, r. 8.

Libel or slander, particulars must be given before evidence in mitigation of damages can be given, unless by leave O. 36, r. 37.

Damages (*continued*).

Reference to officer where amount is substantially a matter of calculation, O. 36, r. 57.

Master's certificate shall be filed on signing judgment,
O. 41, r. 8.

Set-off, damages or costs may be, notwithstanding solicitor's lien, O. 65, r. 14.

Interlocutory judgment for damages on default of appearance, O. 13, r. 5.

Default of defence, on, O. 27, r. 4.

Separate judgments for debt and damages, O. 27, r. 6.

Several defendants, some defending, some not, O. 27,
r. 5.

Form of judgment, F. 2.

After assessment of damages, F. 4.

Writ of inquiry ; see **INQUIRY, WRIT OF**.

Days—

See **TIME**.

Death—

Abate, action shall not, by reason of death, if cause of action survive, O. 17, r. 1.

Shall not abate on death between verdict and judgment,
whether cause of action survived or not, O. 17, r. 1.

Insolvent deceased's estate shall be administered as in bankruptcy, §§ 10.

Personal representative may be made a party to the action,
O. 17, r. 2.

Summons to compel person entitled, to proceed, O. 17, r. 8.

Judgment in default of proceeding as ordered, O. 17, r. 8.

Execution where plaintiff has died, O. 17, r. 8.

Transmitted interest caused by death, new party may be
joined in action by order, O. 17, r. 4.

Debts, Assignment of—

See **CHOSE IN ACTION**.

Debts, Attachment of—

See **ATTACHMENT OF DEBTS**.

Debtor, Oral Examination of—

See ATTACHMENT OF DEBTS.

Debtors Act, 1869—

A. Arrest under section 6; B. Committal for Non-payment of Debt or Instalments.

A. Arrest under section 6.

Application for order to arrest shall be made upon affidavit and *ex parte*, O. 69, r. 1.

Bond, security to be given by defendant may be given by, with two (or by leave more) sureties, O. 69, r. 3.

Addresses and names of proposed sureties shall be given to plaintiff, O. 69, r. 3.

Notice of objection to sureties may be given by plaintiff, with particulars, within four days, O. 69, r. 3.

Sufficiency of sureties shall be determined by a master, O. 69, r. 3.

Costs may be awarded, O. 69, r. 3.

Plaintiff shall obtain appointment; in default, the security shall be deemed sufficient, O. 69, r. 3.

Certificate of plaintiff or his solicitor that bond given, entitles defendant to his discharge, O. 69, r. 6.

Costs of and incidental to arrest shall, unless otherwise ordered, be costs in the cause, O. 69, r. 5.

Date of arrest shall be indorsed on the order by the sheriff, or his officer, within two days after arrest, O. 69, r. 7.

Deposit of money in court, security to be given by defendant, may be given by, O. 69, r. 3.

Control of the court over deposit, O. 69, r. 4.

Delivery of receipt to sheriff entitles defendant to his discharge, O. 69, r. 6.

Discharge from custody, defendant may apply for, at any time, O. 69, r. 1.

Order to arrest shall be in form K. 31, with any requisite variation, O. 69, r. 1.

Concurrent orders may be issued, O. 69, r. 2.

Debtors Act, 1869 (*continued*).*A. Arrest under section 6 (continued).*

Indorsement of plaintiff's address before delivery to sheriff, O. 69, r. 2.

Rescinding or varying, on application of defendant, O. 69, r. 1.

Sheriff entitled to same fees as heretofore, O. 69, r. 2.

Security may be given in any form that plaintiff consents to, O. 69, r. 3.

Control of the court or judge over the security, O. 69, r. 4.

B. Committal for Non-payment of Debt or Instalments.

District registrar shall hear summons and may make order for payment, but if it be a case for committal shall adjourn summons to the judge, O. 54, r. 19.

Examination touching means, form of order, K. 46.

Master shall hear summons and may make order for payment, but if it be a case for committal shall adjourn summons to the judge, O. 54, r. 19.

Order for payment by instalments, form of, K. 47.

Order of commitment shall bear date the day when made, O. 42, r. 25.

Duration; shall continue in force for one year, O. 42, r. 25.

Form of order of committment, K. 48.

On nonpayment of instalment, K. 49.

Renewed may be in same manner as an execution, O. 42, r. 25.

Sheriff shall make return without any order, O. 52, r. 11.

Declaration of Right—

Court may make, whether any consequential relief is or could be claimed, or not, O. 25, r. 5.

Declaratory Judgment or Order—

Action or proceeding shall not be open to objection on the ground that a merely declaratory judgment or order is sought, O. 25, r. 5.

Decree—

Included in the word judgment, § 100.

See JUDGMENT—ORDER.

Deeds—

Cancellation, rectification or setting aside deeds, causes and matters as to, assigned to Ch. Div., § 34.

Writ of summons, form of indorsement on, A. part III., sec. 1, No. 8.

Deposit for safe custody, for any inquiry, or otherwise shall be in central office, O. 61, r. 30.

Directions may be given as to production, O. 61, r. 30.

Enrolment of, shall be in central office, O. 61, r. 9.

Acknowledgments for the purpose of, may be made before the clerk of enrolments or a master, O. 61, r. 12.

Before whom to be taken in Scotland, Ireland, or foreign parts, O. 38, r. 6.

Record of deeds enrolled shall be sent to the public record office within two years from the enrolment, O. 61, r. 13.

Settlement, of in chambers of Ch. Div., proceedings on summons to proceed, O. 55, r. 34.

Defamation—

See LIBEL and SLANDER.

Default at Trial—

See TRIAL, E.

Default of Appearance—

See APPEARANCE, D.

Default of Defence—

Debt or liquidated demand, plaintiff may enter final judgment, O. 27, r. 2.

Form of judgment, F. 1.

Several defendants, one making default, plaintiff may enter judgment and issue execution against him, and proceed against the others, O. 27, r. 3.

Default of Defence (*continued*).

Defence going to a severable part only of claim, plaintiff may by leave, enter judgment, but where there is a counter-claim shall not issue execution without leave, O. 27, r. 9.

Detention of goods or damages, plaintiff may enter interlocutory judgment and issue writ of inquiry, or the damages may, by order, be ascertained in any other way, O. 27, r. 4.

Form of interlocutory judgment F. 2.

Final judgment after assessment of damages, F. 4.

Several defendants, one making default, plaintiff may enter interlocutory judgment against him, and proceed with his action against the others. Value or damages against the defendant in default shall be ascertained at the trial, unless otherwise ordered, O. 27, r. 5.

Detention of goods or damages and debt or liquidated demand, plaintiff may enter final judgment for the debt, and interlocutory judgment for the damages, and proceed as in rr. 4, 5 ; O. 27, r. 6.

Land, in default of defence, plaintiff may enter judgment, O. 27, r. 7.

Mesne profits, arrears of rent, double value, or damages, where claimed, plaintiff may enter judgment, and proceed as in rr. 4, 5 ; O. 27, r. 8.

Other actions, in, in default of defence, plaintiff may set action down on motion for judgment, O. 27, r. 11.

Several defendants, in case of, O. 27, r. 12.

Probate actions, in, in default of defence, action may proceed notwithstanding, O. 27, r. 10.

Setting aside judgment obtained on default, O. 27, r. 15.

Default of Pleading—

See PLEADINGS, D.

Defect—

See INFORMALITY.

Defence arising after Action—

See DEFENCE.

Defence—

Amendment of; see PLEADINGS, C.

Costs occasioned by facts denied, or not admitted, which ought to have been admitted, such order may be made with respect to, as shall be just, O. 21, r. 9.

Counterclaim:—

All relief properly claimed by defendant's pleadings in respect of equitable or legal estates or rights, may be granted, § 24 (3).

Any right or claim, whether it sound in damages or not, may be set up by counter-claim, O. 19, r. 3.

Amendment of, without leave, O. 28, r. 3.

Cross action, counter-claim shall have effect as a, O. 19, r. 3.

Defence going to part only of plaintiff's claim, execution shall not issue on judgment signed thereon where there is a counter-claim, unless by leave, O. 27, r. 9.

Disallowed may be, if it cannot conveniently be disposed of in pending action, O. 19, r. 3.

Distinct grounds shall be separately stated, O. 20, r. 7.

Established, may be, notwithstanding misjoinder of a plaintiff, O. 16, r. 3.

Form of counterclaim, D. sec. 8; E. sec. 2.

Excluded, may be on application before reply, O. 21, r. 15.

Inferior courts shall give effect to counter-claims, § 89.

Transfer to H. C. where matter is beyond jurisdiction of inferior court, § 90.

Judgment may be given for defendant if entitled thereto, O. 21, r. 17.

Payment into court may be made in answer to a counter-claim, O. 22, r. 9.

Proceeded with, may be, although action stayed, discontinued, or dismissed, O. 21, r. 16.

Reply shall be subject to rules applicable to defences, O. 23, r. 4.

Forms of reply, E. secs. 1, 2.

Specifically state, defence shall, that grounds are relied on by way of counterclaim, O. 21, r. 10.

Defence (*continued*).

Third party brought in by counterclaim ; further title to action and delivery of defence to, O. 21, r. 11.

Appear, third party shall, O. 21, r. 13.

Form of appearance, A. part II., No. 7.

Exclusion of counter-claim on application of third party or plaintiff, O. 21, r. 15.

Reply of third party, O. 21, r. 14.

Served, shall be, with defence, in same manner as a writ, O. 21, r. 12.

Indorsement to be made on defence, B. 2 ; O. 21, r. 12.

Withdrawal of counter-claim, by leave and on terms, O. 26, r. 1.

Default of defence ; see that title.

Defence answering separable part only of claim, plaintiff may by leave enter judgment for the unanswered part, but if there be a counterclaim execution shall not issue without leave, O. 27, r. 9.

Delivered, shall be, by defendant, O. 19, r. 2.

Delivered, shall be, within ten days from statement of claim, or time limited for appearance, whichever shall be last, unless time extended, O. 21, r. 6.

Where defendant has neither received nor required a statement of claim, defence shall be delivered within ten days after appearance, O. 21, r. 7.

Where order under O. 14 silent, defence shall be delivered within eight days after the order, O. 21, r. 8.

Time does not run between day on which order for security for costs is served, and day on which security is given, O. 64, r. 6.

Denial, general, is insufficient ; each allegation must be dealt with specifically, O. 19, r. 17.

Allegations not denied shall be taken as admitted, except as against infants, lunatics, and persons *non-compos*, O. 19, r. 13.

Allegations denied or not admitted which ought to have been admitted, order may be made as to extra costs, O. 21, r. 9.

Defence (*continued*).

Bare denial of contract operates as a denial of the fact not the legality or sufficiency, O. 19, r. 20.

In actions on bills of exchange, etc., must deny some fact, *e. g.* the drawing, etc., O. 21, r. 2.

In actions on contracts, must deny fact from which liability arises, O. 21, r. 3.

Inadmissible in debt or liquidated demand, O. 21, r. 1.

Must be substantial not evasive, O. 19, r. 19.

Representative character or constitution of firm shall be specifically denied, O. 21, r. 5.

Unnecessary as to damages, O. 21, r. 4.

Distinct defences shall be separately stated, O. 20, r. 7.

Forms :

Admiralty :—

Bottomry	...	...	...	D. sec. 3, No. 3.
Equipment and necessities	...	...	...	" 4.
Possession	...	...	...	" 5.
Salvage	...	...	...	" 6.

Chancery :—

Administration	...	...	D. sec. 2, No. 0.
Foreclosure by mortgagee	...	...	" 1.
" " alleged prior incumbrancer	...	...	" 2.
Redemption	" 2.
Specific performance	" 2.

Counterclaim :—

Forms of	D. sec. 8 ; E. sec. 2.
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Damages for Breach of Contract or Duty :—

Breach of promise	D. sec. 5.
Carriers	"
Charter parties	"
Contributory negligence	...	...	"
Denials	...	...	"
Insurance	...	...	"
Marine policy	...	...	E. sec. 3, No. 3.

Debt or Liquidated Demand :—

Bills of exchange, promissory notes or cheques	...	...	D. sec. 4.
Other simple contract debts	...	...	"

Defence (*continued*).

Bonds or contracts under seal	...	...	D. sec. 4.
Guarantees whether under seal			
or not	...	D. sec. 4; E. sec. 3, No. 1.	
Debt, any action of	...	...	D. sec. 4.
Work, labour and materials	...	E. sec. 2.	
General defences	...	...	D. sec. 4.
Accord and satisfaction	...	...	"
Bankruptcy, &c.	...	...	"
Coverture	...	...	"
Infancy	...	...	"
Payment into court	...	...	"
Recission before breach	...	...	"
Release	...	...	"
Statute of Limitations	...	...	"
" Frauds	...	...	"
<i>General form</i>	...	...	D. sec. 1.
<i>Injunctions, Damages, or Declarations of right:—</i>			
All actions for wrongs	...	D. sec. 6.	
Copyright	...	...	"
Detention or conversion of chattels	...	...	"
Infringement of patent	...	...	"
Injuries by trespass or negligence	...	...	"
Light	...	...	"
Nuisance	...	...	"
Seduction	...	...	"
Slander	...	...	E. sec. 3, No. 2.
Trade mark	...	...	D. sec. 6.

Land:—

Defence to actions for recovery of ... D. sec. 7.

Probate:—

Interest suit ... D. sec. 3, No. 1.

Solemn form ... " " 2.

General issue by statute, pleading shall cite statute in margin,
O. 21, r. 19.

Land, in action for recovery of, defendant in possession need not plead his title, unless equitable, but may plead that he is in possession, and may rely upon any defence which he can prove, O. 21, r. 21.

Defence (*continued*).

Such a plea implies a denial of the facts alleged in the statement of claim, O. 21, r. 21.

Matters of defence arising after action may be raised in defence, O. 24, r. 1.

If defence already delivered, or time for delivery has expired, defendant may, within eight days after the matter has arisen, or subsequently by leave, deliver a further defence, O. 24, r. 2.

Plaintiff may confess defence (Form B. 5.) and sign judgment for his costs, unless otherwise ordered, O. 24, r. 3.

Not guilty by statute may be pleaded with same effect as heretofore, but no other defence shall be pleaded to the same cause without leave, O. 19, r. 12.

Payment into court admits claim or cause of action in respect whereof payment is made, O. 22, r. 1.

May be made with defence denying liability (except in libel or slander), O. 22, r. 1.

On a bond, shall be admissible to particular breaches only, O. 22, r. 1.

Signified, shall be in the defence, and the claim or cause of action specified, O. 22, r. 2.

Tender before action, amount tendered must be brought into court, O. 22, r. 3.

Under O. 14, may be appropriated in the defence to any specified portion of plaintiff's claim, O. 22, r. 11.

And see PAYMENT INTO COURT.

Probate actions, in, defendant may give notice to cross-examine witnesses only, with the same consequences as to costs as heretofore, O. 21, r. 18.

Relief shall be stated specifically, and defence need not ask for general relief, O. 20, r. 6.

Representative character or constitution of firm shall be specifically denied, O. 21, r. 5.

Striking out defence for disobedience to order for interrogatories, discovery, or inspection, O. 31, r. 21.

Third parties ; see that title.

Withdrawing or striking out defence by leave, O. 26, r. 1.

Defence (*continued*).

Year, letter, and number of cause or matter shall be marked,
O. 61, r. 19.

And see PLEADINGS.

Defendant—

Address and address for service ; see those titles.

Interpretation of term when used in Act, § 100.

Parties ; see JOINDER OF PARTIES.

Delay—

Accounts or inquiries, in prosecuting, O. 33, r. 9.

Delivery, Writ of—

Damages, costs and interest may be levied by writ of delivery,
or by a separate writ of execution, O. 48, r. 2.

Form shall be H. 10 ; O. 48, r. 2.

To levy the assessed value, H. 11.

Issued may be, and enforced by the sheriff by distraint, O. 48,
r. 1.

Judgment for the recovery of any property other than land or
money, may be enforced by writ of delivery, O. 42, r. 6.

Præcipe for, G. 8.

Value of the property may, at plaintiff's option, be ordered to
be levied, O. 48, r. 1.

Demurrer—

No demurrer shall be allowed, O. 25, r. 1.

And see DEMURRER, PROCEEDINGS IN LIEU OF.

Demurrer, Proceedings in Lieu of—

Costs of issues of law, shall follow the event, unless otherwise
ordered, O. 65, r. 2.

Declarations of right may be made, whether consequential
relief is or could be claimed, or not, O. 25, r. 5.

Declaratory judgment or order only sought for, action shall
not be open to objection on that ground, O. 25, r. 5.

Frivolous or vexatious action or defence may be stayed or
dismissed, or judgment entered as may be just, O. 25, r. 4.

Demurrer, Proceedings in Lieu of (*continued*).

Point of law may be raised by any pleading, and disposed of at or after or before trial, O. 25, r. 2.

Decision thereon disposing of whole action, or distinct cause of action, defence, etc., action may be dismissed or such order made as is just, O. 25, r. 3.

Defence, raising point of law, forms of, E. sec. 3, Nos. 2, 3.

Striking out pleading which shows no reasonable cause of action or answer, and staying or dismissing action, or entering judgment, O. 25, r. 4.

Deponent—

Description and true place of abode shall be stated, O. 38, r. 8.
Illiterate deponent, reading over affidavit and certificate in jurat, O. 38, r. 13.

Resident at a distance, special allowance for costs in case of, O. 65, r. 27, reg. 4.

Several, special allowance for costs in case of, O. 65, r. 27, reg. 4.

Deposit for Costs—

See COSTS, C.

Deposit in Court—

See PAYMENT INTO COURT—PROPERTY.

Deposition—

Admissible, shall not be, at the trial or hearing, unless by consent, or deponent be dead, beyond the jurisdiction, or unable to attend, O. 37, r. 18.

Order empowering any party to give depositions in evidence may be made, O. 37, r. 5.

Evidence may be taken by, O. 37, r. 5.

Examination by officer, how depositions taken down, O. 37, r. 12.

Filed shall be in central office, O. 37, r. 16.

Filed or made before issue joined, shall not be admissible without special leave, unless notice of intention to use same shall have been given within one month after issue joined, O. 37, r. 24.

Deposition (*continued*).

Office copy shall be made and taken by party filing original,
O. 66, r. 7 (*f*).

Produced, shall be, by him, on every proceeding, O. 66,
r. 7 (*g*).

Printed, deposition shall be for use at trial, unless otherwise
ordered, O. 66, r. 5.

Unless previously used without being printed, O. 66, r. 6.

Saving as to power of court to allow depositions to be read
on trials by jury, §§ 20.

Taking copies ; see COPIES.

Detention—

Action for detention of goods, where no appearance, interlocutory judgment may be entered and writ of inquiry issued, but damages may be ordered to be otherwise ascertained, O. 13, r. 5.

Form of judgment, F. 4.

Where no defence delivered, interlocutory judgment may be entered and writ of inquiry issued, but damages may be ordered to be otherwise ascertained, O. 27, rr. 4, 6.

Form of judgment, F. 4.

Several defendants, one making default, others not, O. 27, r. 5.

Contract in any action of, order may be made for preservation or interim custody of the subject matter, O. 50, r. 1.

Application may be made by plaintiff at any time, on his right being made to appear by the pleadings or on affidavit, O. 50, r. 7.

Lien, property claimed which is subject to a, may be ordered to be given up on payment into court of the amount of the lien, O. 50, r. 8.

Perishable goods may be ordered to be sold, O. 50, r. 2.

Application may be made by any party on notice after writ issued, or, if by defendant, after appearance, O. 50, r. 6.

Property, the subject of the action, may be ordered to be detained, O. 50, r. 3.

Detention (*continued*).

Application may be made by any party on notice, after writ issued or, if by defendant, after appearance.
O. 50, r. 6.

Pleadings, forms of, in actions for detention :—

Claim, statement of C. sec. 6, No. 2.

Defence D. sec. 6.

Samples may by order be taken, observations made, or experiments tried, O. 50, r. 3.

Writ of delivery, see DELIVERY, WRIT OF.

Writ of summons, forms of indorsement of claim on, A. part III., sec. 4, Nos. 11, 12, 22.

Devisee—

See RESIDUARY DEVISEE.

Devolution—

Action shall not become defective by the devolution of any estate or title *pendente lite*, O. 17, r. 1.

Continued, may be, by or against the person to or on whom the estate or title has devolved, O. 17, r. 3.

Successor may be joined by order where the devolution is by operation of law, O. 17, r. 2.

New parties may be joined by order obtained *ex parte*, O. 17, r. 4.

Order shall be served and new parties shall appear, O. 17, r. 5.

Party served may apply to discharge order, O. 17, r. 6.

If party is under disability, O. 17, r. 7.

Directions, Summons for—

See SUMMONS FOR DIRECTIONS.

Discharging—

Chief Clerk's certificates; see CHIEF CLERKS, A.

And see SETTING ASIDE AND STRIKING OUT.

Disclosure by Solicitors and Plaintiffs—

See WRIT OF SUMMONS, H.

Discontinuance—

Action may be discontinued wholly or in part by plaintiff, before defence, or afterwards but before taking any further proceeding, by notice, with costs, and discontinuance shall not be a defence to a subsequent action, O. 26, r. 1.

Form of notice, B. 19.

Leave is necessary in all other cases, O. 26, r. 1.

Counterclaim may be proceeded with, although action is discontinued, O. 21, r. 16.

Defence can be withdrawn, wholly or in part, with leave, O. 26, r. 1.

Defendant may enter judgment for costs where same not paid within four days after taxation, O. 26, r. 3.

Form of judgment, F. 14.

Second action brought before payment of costs of previous discontinued action for same cause may be stayed, O. 26, r. 4.

Discovery by Interrogatories—

See INTERROGATORIES.

Discovery in Aid of Execution—

See EXECUTION, E.

Discovery of Documents—

Application if not necessary, or not at that stage, may be refused or adjourned, O. 31, r. 12.

Affidavit to ground application is unnecessary, O. 31, r. 12.

Issues may be raised and question of right to discovery reserved, O. 31, r. 20.

Limited discovery may be granted, O. 31, r. 12.

Master in chambers has jurisdiction to deal with application, O. 54, r. 12.

Order, form of, K. 17.

Security must first be given; see *COSTS infra*.

Affidavit of documents shall state what documents the party objects to produce O. 31, r. 13.

Office copy need not be taken, O. 65, r. 27, reg. 54.

Discovery of Documents (*continued*).

Shall be in form B. 8, with any requisite variation,
O. 31, r. 13.

Costs shall be secured, and allowed as costs in the cause only where reasonable, O. 31, r. 25.

Payment into court of £5 before application for discovery, and of additional sum if directed, O. 31, r. 26.

Payment out of the money paid in, after final disposal of the cause, O. 31, r. 27.

Receipt, copy of, shall be served with order for discovery, O. 31, r. 26.

Disobedience to order renders party liable to attachment, O. 31, r. 21.

And if a plaintiff to have action dismissed, O. 31, r. 21. ☐

„ defendant to have defence struck out, O. 31, r. 21.

Inspection of documents ; see INSPECTION.

Interpleader issue, application of O. 31 to an, O. 57, r. 13.

Production on oath may be ordered at any time, O. 31, r. 14.

Referee has the same authority with respect to, as a judge of the H. C., O. 36, r. 50.

Service of order on solicitor is sufficient to found application for attachment, but party may show ignorance of order, O. 31, r. 22.

Sheriff may be ordered to give discovery by the officer actually concerned, O. 31, r. 28.

Solicitor is liable to attachment if he does not give notice of order to his client, O. 31, r. 23.

Time for making discovery runs only from service of receipt of payment into court, O. 31, r. 26.

Dismissal of Action—

Claim, statement of, not delivered, O. 27, r. 1.

Counterclaim may be proceeded with, though action dismissed, O. 21, r. 16.

Decision of point of law disposing of whole action, O. 25, r. 3.

Discovery or inspection of documents, non-compliance with order for, O. 31, r. 21.

Interrogatories, non-compliance with order to answer, O. 31, r. 21.

Dismissal of Action (*continued*).

Notice of trial not given, O. 36, r. 12.

Order, form of, K. 15.

Pleadings showing no reasonable cause of action, or that action frivolous or vexatious, O. 25, r. 4.

Trial, non-appearance of plaintiff at, O. 36, r. 32.

District Registrars—

Appointment of, § 60, and ‡ 22.

Deputy, † 22.

Joint district registrars, §§ 13.

Judge of H. C. has control over, O. 35, r. 11.

Jurisdiction of:—

Accounts and inquiries may be ordered to be taken before, § 66.

Appeal to judge by indorsement of summons, or notice within six days, O. 35, r. 9.

Chancery actions, in, O. 35, r. 12.

Master in chambers has no jurisdiction on the appeal, O. 54, r. 12 (*f*).

Stay of proceedings, appeal shall not be a, unless so ordered, O. 35, r. 10.

Chambers, authority and jurisdiction in, O. 35, r. 6.

Applications how made, O. 35, r. 7.

Debtors Act, summonses under, shall be heard by, but if a case for committal, shall be adjourned to the judge, O. 54, r. 19.

Oath, power to administer, § 62.

Reference of matters to judge, O. 35, r. 8.

Chancery actions, in, O. 35, r. 12.

Writs of summons may be issued by, § 64.

But not in probate actions, O. 5, r. 1.

List of district registrars, order in council, 12th Aug., 1875.

Monies paid into court, registrar shall account to treasury, O. 35, r. 23.

Officer of supreme court, registrar is an, §§ 13.

Offices of; see DISTRICT REGISTRIES.

Partner of, cannot act as solicitor or agent for any party to any proceeding in D. R., ‡ 22.

District Registrars (*continued*).

Qualification of, § 60.

Registrars of inferior courts of record are qualified, §§ 13.

Solicitor or agent, registrar cannot act, by self or partner, for any party to any proceeding in his registry, §§ 22.

Supreme court, registrar is an officer of, and subject to the jurisdiction of, §§ 13.

Courts and judges have control over, O. 35, r. 11.

District Registries—

A. Actions in ; B. Generally.

A. Actions in.

Actions may be commenced in, § 64.

But not a probate action, O. 5, r. 1.

When commenced shall be continued therein down to and including final judgment, O. 35 r. 1.

Appearance ; see APPEARANCE.

Costs shall be the same as in London, O. 65, r. 27, reg 43.

Taxed, shall be, in D. R. unless otherwise ordered, O. 35, r. 4.

Chamber applications in :—

Charging orders *nisi*, unless otherwise ordered, O. 35, r. 5 (e).

Debtor summonses, O. 35, r. 4.

Execution, leave to issue or renew writs of, O. 35, r. 5 (b).

Garnishee orders *nisi*, and examination of judgment debtor for garnishee purposes, O. 35, r. 5 (c).

Jurisdiction of registrars in chambers, O. 35, r. 6.

Appeal to judge within six days, O. 35, r. 9.

Chancery, actions in, O. 35, r. 12.

Chancery affidavits used in London shall be there filed, O. 35, r. 21.

Consent to give jurisdiction shall not bar appeal, O. 35, r. 9.

No stay of proceedings, unless so ordered, O. 35, r. 10.

Reference to judge, O. 35, r. 8.

Chancery actions in, O. 35, r. 12.

District Registries (*continued*).

A. *Actions in (continued)*.

Chancery affidavits used in London shall be there filed, O. 35, r. 21.

Execution shall issue from, unless otherwise ordered, O. 35, r. 4.

Leave to issue or renew shall be applied for in D. R., O. 35, r. 5 (*b*).

Forms in appendices shall be used with such variations as circumstances require, O. 35, r. 24.

Judgments, entry of in D. R. :—

Account order for an, on default, or by consent, O. 35, r. 1.

Assessment of damages, final judgment after, O. 35, r. 1.

Default of appearance, on, when judgment may be entered where defendant has the option of appearing in London, O. 13, r. 11.

Final judgment shall be entered in D. R., O. 35, r. 1.

Interlocutory, for default of appearance or defence, O. 35, r. 1.

London, when to be entered in, and office copy transmitted to D. R., O. 35, r. 3.

Money paid into court shall be accounted for by district registrar to treasury, O. 35, r. 23.

Pleadings shall be filed in D. R., O. 19, r. 19.

Proceedings, all, down to and including final judgment shall be taken in D. R., O. 35, r. 1.

Removal *from* D. R. :—

Defendant may, after appearance and before defence, remove action as of right in following cases :—

Admiralty action *in rem*, O. 35, r. 13 (4).

Writ specially indorsed, and no summons for judgment under O. 14, served within four days after appearance, O. 35, r. 13 (1).

Writ specially indorsed and leave to defend under O. 14 given, O. 35, r. 13 (2).

Writ not specially indorsed, O. 35, r. 13 (3).

Order for removal may be obtained by any party on sufficient reason, § 65 ; O. 35, r. 16.

District Registries (*continued*).

A. *Actions in (continued)*.

Removal shall be effected by notice to opposite parties, and district registrar, O. 35, r. 14.

Action shall thereupon proceed as if commenced in London, § 65.

Certificate that defence not delivered and time not expired shall accompany notice of removal, O. 35, r. 15.

Judge may overrule notice where defendant is merely a formal defendant, § 65.

Notice of an address for service in London shall be given by defendant to plaintiff, O. 35, r. 18.

Proceedings and original documents shall be transmitted from D. R. to London, § 65.

And a copy of all entries in the books of the district registry, O. 35, r. 20.

Removal of action *to* D. R. *from* London may be ordered on application of any party on sufficient reason, O. 35, r. 17.

Writs of summons may be issued in D. R. by plaintiff wherever resident, § 64.

Except in probate actions, O. 5, r. 1.

Forms:—

General form ... A., part I., No 3.

For service out of jurisdiction „ „ 7.

In admiralty action ... „ „ 12.

Specially indorsed writ ... „ „ 4.

For service out of jurisdiction „ „ 8.

Indorsement of address of plaintiff, of his solicitor, or agent issuing writ, and of address for service, O. 4, r. 3.

Name of registry shall be marked, O. 5, r. 13.

Notice of writ in lieu of service to be given out of the jurisdiction, form of, A. part I., No 10.

Statement where defendant resides within the district, that defendant shall appear in D. R., O. 5, r. 4.

District Registries (*continued*).

A. *Actions in (continued).*

Where defendant does not reside within the district, that defendant has the option of appearing in London, O. 5, r. 3.

B. *Generally.*

Copies sealed with seal of D. R. shall be received in evidence throughout the United Kingdom without further proof, § 61.

Documents in any cause in H. C. may be ordered to be produced in D. R., § 66.

Entry in D. R. of action for trial at assizes, O. 36, r. 22.

Expunging entry where trial postponed or action withdrawn, O. 36, r. 25.

Transmitting list of entries and copies pleadings to associate, O. 36, r. 26.

Trial shall be according to order of plaintiff's entry when both parties enter for trial, O. 36, r. 28.

Established, D. Rs. may be by order in council, § 60.

Inquiries and accounts in any cause in H. C. may be ordered to be made and taken in a D. R., § 66.

Report of district registrar thereon may be acted upon as to court shall seem fit, § 66.

List of D. Rs., order in council, 12th Aug. 1875.

Monies paid into court shall be accounted for by district registrar to the treasury, O. 35, r. 23.

Oath, district registrar has power to administer, § 62.

Offices shall be open on every day and hour on which offices of the county court are to be open, O. 63, r. 7.

Whitsun vacation in the Manchester registry, O. 63, r. 10.

Power to establish D. Rs. § 60.

Proceedings in a D. R. shall be subject to the control of the court or a judge as fully as in London, O. 35, r. 11.

Proceedings issued out of and under seal of D. R. shall be received in evidence throughout the United Kingdom without further proof, § 61.

Records shall not be taken out of a D. R. without an order, O. 35, r. 22.

District Registries (*continued*).*B. Generally (continued).*

Seal of D. Rs., § 61.

Subpœna for production of a record of a D. R. shall not issue, O. 35, r. 22.

Trial at assizes; see ENTRY, *supra*.

Distringas against Ex-Sheriff (nuper vice-comitem)—

May be issued and executed as heretofore, O. 43, r. 5.

Præcipe for writ, G. 11.

Writ, form of, H. 14.

Distringas on Stock—

See CHARGING STOCK OR SHARES.

Divisional Courts of Court of Appeal—

Constituted may be, and their sittings regulated by order, † 16.

Discharge, may, or vary vacation orders made by a single judge, § 52.

Divisional Courts of High Court of Justice—

A. Constitution; B. Judges; C. Jurisdiction and Business.

A. Constitution.

Constituted, shall be, by two or three, and no more, judges, and, except where impracticable, by three judges, § 40.

Shall be constituted by two judges and no more, unless president of division, with concurrence of the other judges, considers a greater number requisite, † 17.

Chancery Division, divisional courts may be held for business of, § 43.

Inferior courts, divisional courts for hearing appeals from, § 45.

Court shall be such court as L. C. J. shall from time to time determine, O. 59, r. 4.

Decision final, unless special leave to appeal be given, § 45.

Divisional Courts of High Court of Justice (*continued*).

A. *Constitution (continued)*.

Number, any, of divisional courts, may sit at the same time, § 40.

President shall be the senior judge present, § 40.

Probate, Divorce or Admiralty Division, divisional courts may be held for the business of, § 44.

Queen's Bench Division, divisional courts shall, when practicable, include one or more of the judges of the Q. B. D., § 41.

Vacation judges may sit together as a divisional court, as occasion shall require, O. 63, r. 12.

B. *Judges*.

Every judge of the H. C. shall be qualified to sit in any divisional court, § 40.

Shall, if required, take part in the sittings of divisional courts of the Q. B. D., § 41.

Shall be qualified to hear and determine appeals from inferior courts, O. 59, r. 4.

President, shall be the senior judge present, § 40.

C. *Jurisdiction and Business*.

All or any part of the jurisdiction of the H. C. shall be exercisable by divisional courts, § 40.

Appeals from awards or certificates in compulsory references, O. 59, r. 3.

Powers of divisional courts thereon, O. 59, r. 3.

Appeals from a chamber decision in Q. B. D. shall be to a divisional court, O. 54, r. 23.

Banc, business formerly heard in, may be heard by divisional courts, § 41.

But shall, as far as practicable and convenient, be heard before a single judge; and, after trial, before judge who tried, † 17.

Exception: proceedings and matters which must be heard before a divisional court, O. 59, r. 1:—

Appeals from chambers in Q. B. D.

„ „ revising barristers.

„ under sec. 6 of County Courts Act, 1875.

Divisional Courts of High Court of Justice (*continued*).

C. Jurisdiction and Business (continued).

Cases stated by the railway commissioners.

Crown side of Q. B. D., proceedings on.

Election petitions, proceedings relating to.

Habeas corpus, where made returnable before a divisional court.

New trials, applications for.

Proceedings directed by statute to be taken before the court, where the decision is final.

Revenue side of Q. B. D., proceedings on.

Special cases, where all parties agree that the same be heard before a divisional court.

Matters not proper to be heard by a single judge shall be heard by divisional courts, § 40.

Cases and points may be reserved for argument or directed to be argued before divisional courts, § 46.

Vacation judges may sit together as a divisional court and may hear and dispose of all actions, etc., to which-ever division the same may be assigned, O. 63, r. 12.

Divisions—

A. Supreme Court; B. Court of Appeal; C. High Court of Justice.

A. Supreme Court.

Shall consist of two permanent divisions, the H. C. and the C. A., § 4.

Jurisdiction of each, § 4.

B. Court of Appeal.

May sit in two divisions at the same time, §§ 12.

C. High Court of Justice.

Consolidation of C. P. and Exch. divisions in Q. B. D; order in council 16th Dec. 1880.

Divisions of, § 31 :—

Chancery Division; see that title.

Probate, Divorce and Admiralty Division; see that title.

Queen's Bench Division; see that title.

Divisions (*continued*).

C. High Court of Justice (continued).

Number of divisions may be reduced or increased by order in council made on the report of the council of judges, § 32.

Officers; see that title.

Option of plaintiff to choose division, §§ 11.

Division shall be marked, O. 5, r. 4.

Pleadings shall be marked, O. 19, r. 11.

Transfer; see that title.

Validity of proceedings taken in wrong division, §§ 11.

Writs of summons shall specify the division to which action assigned, O. 2, r. 1.

Presidents of divisions, § 31.

Divorce Court—

Consolidated in Supreme Court, § 3.

Its jurisdiction transferred to H. C., § 16.

Divorce Division of High Court of Justice—

See PROBATE, ADMIRALTY AND DIVORCE DIVISION.

Divorce Suit—

Appeal to be brought to C. A. instead of full court, §§ 9;

When final, §§ 9.

Against decree absolute does not lie where appeal against decree *nisi* neglected, §§ 10.

Assigned to P. D. and A. Div. of H. C., § 34.

But not unless same could have been commenced in the Divorce court before the Act, §§ 11.

Court of Divorce consolidated in Supreme Court, § 3.

Its jurisdiction transferred to H. C., § 16.

Rules, existing, to remain in force, §§ 18.

Proceedings in divorce not affected by rules, O. 68, r. 1.

Saving of power of judge of Divorce Court to make rules, §§ 18.

Documents—

See CHAMBERS—COPIES—CUSTODY—DISCOVERY—EVIDENCE
—INSPECTION—PLEADINGS.

Duration—

Order of commitment under the Debtor's Act, one year,
unless renewed, O. 42, r. 25.

Subpoena, twelve weeks from teste, O. 37, r. 34.

Writ of execution, one year, unless renewed, O. 42, r. 20.

Renewed, one year, O. 42, r. 20.

Writ of summons, twelve months, O. 8, r. 1.

Concurrent, same period as original writ, O. 6, r. 1.

Renewed, six months, O. 6, r. 1.

Durham, County Palatine of—

See COUNTY PALATINE OF DURHAM.

E**Easter—**

Holidays in offices of Supreme Court, O. 63, r. 6.

Sittings commence Tuesday after Easter week, end Friday
before Whitsunday, O. 63, r. 6.

Both days inclusive, O. 63, r. 5.

Vacation, commences Good Friday, ends Easter Tuesday,
O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Ecclesiastical Causes—

Power to make rules as to, † 14.

Education—

Infants, rules of equity shall prevail, § 25 (10).

Ejectment—

See LAND, ACTION TO RECOVER.

Election Petitions, Parliamentary—

See PARLIAMENTARY ELECTION PETITIONS.

Elegit—

Executed shall be, and shall have the same force as heretofore,
O. 43, r. 1.

Judgment for money and costs, *elegit* may issue immediately
upon any, O. 42, r. 17.

Præcipe for, G. 2.

Writ, form of, H. 3.

Writs, in aid of, preserved, O. 43, r. 5.

And see EXECUTION.

Enlargement of Time—

Costs of, shall be in discretion of taxing master, O. 65, r. 24.

More than one extension not allowed, unless necessary
and unavoidable, *ib.*

General power of enlargement, O. 64, r. 7.

Pleadings, answers or other documents, time for, may be
enlarged by consent, O. 64, r. 8.

Enquiries—

See INQUIRIES.

Enrolment—

Abolition of office of clerk of enrolments. † 14.

Acknowledgments for the purpose of, may be made before
the clerk of enrolments, or a master, O. 61, r. 12.

Before whom to be made in Scotland Ireland, or
foreign parts, O. 38, r. 6.

Deeds directed to be enrolled in any court whose jurisdiction
is transferred to H. C. may be enrolled in central office,
O. 61, r. 9.

Department of central office, O. 61, r. 1.

Judgments and orders need not be enrolled, O. 61, r. 8.

Office of enrolments, amalgamated with central office, † 5.

Recognizance shall not be enrolled after six months, except
under special circumstances, and by order, O. 61, r. 14.

Records sent to public record office in two years, O. 61, r. 13.

Scheme under Railway Act 1867, shall be enrolled in central
office, O. 61, r. 10.

Search by officer, and certificate of result, O. 61, r. 23.

Entry—

See APPEAL — APPEARANCE — CHANCERY REGISTRARS —
JUDGMENT—SPECIAL CASE—TRIAL.

Equipment of Ship—

Claim, form of statement of, C. sec. 3, No. 4.

Defence, form of, D. sec. 3, No. 4.

Equitable Rights, Relief and Rules—

Administration of assets of a deceased insolvent's estate, the same rules shall prevail as in bankruptcy, §§ 10.

Assignment of debts and choses in action, with notice in writing to debtor, shall be effectual in law, § 25 (6).

Debtor may interplead or pay debt into court if assignment disputed, § 25 (6).

Cestui que trust, claim of, against trustee under an express trust, shall not be barred by any statute of limitations, § 25 (2).

Company, in winding up of any, under the Companies Acts, the same rules shall prevail as in bankruptcy, §§ 10.

Conflict or variance between equity and law, in cases of, rules of equity shall prevail, § 25 (11).

Contract, stipulations not of the essence of, shall be construed as in equity, § 25 (7).

This applies from the commencement of the Act, §§ 10.

Equitable claims, all just remedies shall be granted in respect of, § 24 (7).

Equitable estates, etc. appearing incidentally, shall be recognised by the Supreme Court, § 24 (4).

Claimed by plaintiff shall be awarded as in chancery before the Act, § 24 (1).

Claimed by defendant shall be awarded as in chancery before the Act, § 24 (2).

And such relief as defendant shall have claimed by his pleading, and as might have been granted in a cross suit, may be granted, § 24 (3).

Claimed against third parties, § 24 (3).

Equitable rights shall be recognised and enforced by the Supreme Court, § 24.

Equitable Rights, Relief, and Rules (*continued*).

Equitable waste, right to commit, shall not be implied, § 25 (3).
 Infants, in questions relating to custody and education of,
 rules of equity shall prevail, § 25 (10).

Inferior courts, administration in, of equitable and legal
 relief, § 89.

Rules enacted in the Act, shall receive effect in all
 courts whatsoever, § 91.

Injunctions; see that title.

Legal claims, estates, etc., all, shall, subject to provisions of
 the Act, be recognised by the Supreme Court, § 24 (6).

All just remedies in respect thereof shall be granted,
 § 24 (7).

Legal rules enacted in Act, shall receive effect in all courts
 whatsoever, § 91.

Merger by operation of law, where beneficial interest is not
 merged, abolished, § 25 (4).

Mortgagor may sue alone for possession of or trespass to land,
 etc., where mortgagee has not given notice to take pos-
 session, § 25 (5).

Multiplicity of legal proceedings shall be avoided, § 24 (7).

Prohibition to restrain proceedings in Supreme Court, shall
 not be granted, § 24 (5).

Receivers; see that title.

Staying proceedings; see that title.

Equity—

See **EQUITABLE RIGHTS, RELIEF AND RULES.**

Error—

Amendment of defects or errors in any proceeding, O. 28,
 r. 12.

Criminal cause or matter, no appeal in any, save for error in
 law on the record, § 47.

Non-compliance with rules, not to render proceedings void,
 O. 70, r. 1.

Orders and judgments, correction of clerical mistakes in, and
 of errors from accidental slips or omissions, O. 28,
 r. 11.

Evidence—

A. Generally; B. In special cases; C. Examination of Witness; D. Subpœna; E. Perpetuating Testimony.

A. Generally.

Admissions; see that title.

Affidavits; see that title.

Particular fact or facts may, by leave, be proved by,
O. 37, r. 1.

Answers to interrogatories, how used in evidence at trial,
O. 31, r. 24.

Costs, all just and reasonable, in procuring evidence, are
to be allowed, O. 65, r. 27, reg. 9.

Counsel's reasonable fees in advising on, are to be
allowed, O. 65, r. 27, reg. 15.

Cross-examination of witness, right of opposite party
thereto protected, O. 37, r. 1.

Disallowance of vexations or irrelevant questions,
O. 36, r. 38.

Depositions may be given in evidence, by leave, on terms,
O. 37, r. 5.

Discovery of documents; see that title.

Documents sealed in D. R., shall be received in evidence,
§ 61.

So also where sealed in central office, O. 61, r. 7.

Stamped, shall be, when liable thereto, before being
received in evidence, §§ 26 (4).

Experiments may be made for the purpose of obtaining,
O. 50, r. 3.

Inspection of documents; see that title.

Inspection of property for the purpose of obtaining evi-
dence, O. 50, r. 3.

Interrogatories; see that title.

Office copies shall be admissible to the same extent as
the originals would be, O. 37, r. 4.

Sealed in central office, shall be presumed to be
office copies, O. 61, r. 7.

And see DOCUMENTS, *supra*.

Parties may agree as to mode of giving evidence at trial,
O. 37, r. 1.

Evidence (*continued*).*A. Generally (continued).*

Preliminary question of law may be decided before evidence is given or facts tried, O. 34, r. 2.

Printing; see that title.

Production of documents; see that title.

Reading evidence taken in another cause or matter, O. 37, r. 3.

On *ex parte* applications by leave, and in other cases upon notice, O. 37, r. 3.

Rules of evidence not affected by Act or rules, §§ 20.

Samples, taking of, for the purpose of evidence, O. 50, r. 3.

Stamp, documents requiring any, shall be stamped before being received in evidence, §§ 26.

Subsequent proceedings, evidence taken at a trial may be used in any, in the same cause or matter, O. 37, r. 25.

B. In special cases.

Admiralty, default actions *in rem*, evidence may be given by affidavit, O. 37, r. 2.

Answers to interrogatories, how used in evidence at trial, O. 31, r. 24.

Appeal to C. A., evidence on; see APPEAL, C.

Books of account may be directed to be taken as *prima facie* evidence on issues, inquiries and accounts, O. 33, r. 3.

Infants and lunatics, effect of consent as to mode of taking evidence, O. 16, r. 21.

Interpleader, applicant's evidence upon, O. 57, r. 2.

Libel and slander, evidence in mitigation of damages cannot be given without leave, unless particulars furnished seven days before trial, O. 36, r. 37.

Motion, on any, evidence may be given by affidavit, O. 38 r. 1.

Originating summons, in administration or execution of trusts, evidence upon, O. 55, r. 7.

Petition, on any, evidence may be given by affidavit, O. 38, r. 1.

Referee, evidence on trial before, O. 36, r. 49.

Evidence (*continued*).*B. In special cases (continued).*

Renewed writ of summons, evidence by renewal seal,
O. 8, r. 2.

Summons, on any, evidence may be given by affidavit,
O. 38, r. 1.

Trial by jury, oral evidence on, §§ 20.

Witnesses shall be examined *vivâ voce* in the
absence of any agreement or order, O. 37, r. 1.

C. Examination of Witness.

Commission, (short) order for, shall be K. 36, with any
requisite variation, O. 37, r. 6.

Long order, K. 37.

Writ of, shall be J. 13, with any requisite variation,
O. 37, r. 6.

In P. D. and A. Div, J. 14.

Præcipe for, G. 17.

Conduct money, expenses and loss of time, witness shall
be entitled to as on a trial, O. 37, r. 9.

Counsel, solicitors or agents, and parties, examination
shall take place in presence of, O. 37, r. 11.

Cross-examination and re-examination, witness shall be
subject to, O. 37, r. 11.

Practice as to, at a trial, shall apply, O. 37, r. 22.

Depositions may be given in evidence on such terms, if
any, as may be directed, O. 37, r. 5.

Consent necessary, unless deponent be dead, out of
jurisdiction or unable from sickness, etc., to
attend trial; when, if certified by examiner,
depositions shall be admissible, saving all just
exceptions, O. 37, r. 18.

Filed, shall be, in central office, O. 37, r. 16.

Filed or made before issue joined, shall not be ad-
missible without special leave, unless within one
month after issue joined notice be given of
intention to use same, O. 37, r. 24.

Printed, shall be, when filed, for use on trial, O. 66,
r. 5.

Evidence (*continued*).*C. Examination of Witness (continued).*

Unless previously used without being printed,
O. 66, r. 6.

Written so as to represent statement of witness,
shall be, O. 37, r. 12.

Question and answer, any particular, may be
put down, O. 37, r. 12.

Question objected to, shall be taken down, and
examiner shall state his opinion thereon,
and refer thereto in the depositions, but
shall not decide on the materiality or re-
levancy of any question, O. 37, r. 12.

Read over and signed, shall be, O. 37, r. 12.

Disobedience of any order for attendance, is contempt of
court, O. 37, r. 8.

Evidence taken subsequently to the trial shall be taken
in same manner as evidence at, or with a view to, a
trial, O. 37, r. 21.

Special directions as to, may be given, O. 37, r. 23.

Examiner shall be furnished with copy writ and plead-
ings, or documents necessary to inform him of the
questions at issue, O. 37, r. 10.

Cannot decide on the materiality or relevancy of any
question, O. 37, r. 12.

Power to administer oaths, O. 37, r. 19.

Examination of a witness, practice as to, at a trial shall
apply, O. 37, r. 22.

Shall take place in presence of parties, counsel, and
solicitors or agents, O. 37, r. 11.

Interrogatories, examination may be ordered to be on,
O. 37, r. 1.

Notice of intention to use affidavit or deposition filed or
made before issue joined, O. 37, r. 24.

Objection may be made to any question, O. 37, r. 12.

When by witness, shall be taken down and filed, and
its validity decided by the court or judge,
O. 37, r. 14.

Witness may be ordered to pay costs, O. 37, r. 15.

Evidence (*continued*).*C. Examination of Witness (continued).*

Order (short) for commission shall be K. 36, with any requisite variation, O. 37, r. 6.

Long order, K. 37.

Order for examination of witness may be made where necessary for the purposes of justice, O. 37, r. 5.

Form of, K. 35.

Place, examination may be ordered to be taken at any, O. 37, r. 5.

Production of documents may be ordered, O. 37, r. 7.

No person shall be compelled to produce documents which he could not be compelled to produce at trial, O. 37, r. 7.

Refusal of witness to sign deposition, on, examiner shall sign, O. 37, r. 12.

Refusal of witness to attend, or to be sworn, or to answer, on, certificate of examiner shall be filed, and party may apply *ex parte*, or on notice for an order, O. 37, r. 13.

Costs may be ordered to be paid by witness, O. 37, r. 15.

Special report may be made touching the examination, and the conduct of any witness or person, O. 37, r. 17.

Court or judge may direct such proceedings and make such order thereon as is just, O. 37, r. 17.

Subpoena ad test, or *duces tecum* may be issued as at a trial, O. 37, r. 20.

D. Subpoena.

Ad test, may contain any number of names, O. 37, r. 29.

A separate fee is allowed for every three names; see appendix N., title "Writs, Summonses, and Warrants."

Forms shall be as follows, O. 37, r. 27.

General form	...	...	...	J. 1.
At assizes	...	...	...	J. 4.
At sittings of High Court	...	...	...	J. 6.

Evidence (*continued*).*D. Subpœna* (*continued*).

Chambers, *subpœna* for production of proceedings in issues upon judge's note, O. 37, r. 28.

Costs, *subpœna* for, abolished, O. 43, r. 7.

Errors may be corrected before service, and the *subpœna* resealed, O. 37, r. 31.

Duces tecum for affidavit or record of court shall not issue, O. 61, r. 28.

Nor in D. R., O. 35, r. 22.

Duces tecum shall not contain more than three names, and a separate *subpœna* for each witness may issue if necessary or desirable, O. 27, r. 30.

Forms shall be as follows, with any requisite variation, O. 37, r. 27.

General form	...	...	...	J. 3.
At assizes	...	...	...	J. 5.
At sittings of High Court	...	...	...	J. 7.

Duration, twelve weeks from *teste*, O. 37, r. 34.

Habeas corpus ad test, form of, J. 2.

New writ may, if so directed, issue without further fee, where party brought up and trial or hearing postponed, O. 36, r. 35.

Præcipe, G. 16.

Præcipe for *subpœna*, shall be filed, O. 37, r. 26.

Form shall be G. 21, O. 37, r. 26.

Service, copy shall be delivered and original produced, O. 37, r. 32.

Affidavit of service must state when, where, how, and by whom served, O. 37, r. 33.

Must be made within twelve weeks from *teste*, O. 37, r. 34.

E. Perpetuating Testimony.

Action for, when it may be commenced, and by whom, O. 37, r. 35.

Attorney-General shall be made a defendant, where the crown is interested, O. 37, r. 36.

Trial, action shall not be set down for, O. 37, r. 38.

Evidence (*continued*).*E. Perpetuating Testimony (continued).*

Witnesses shall not be examined to perpetuate testimony unless an action therefor has been commenced, O. 37, r. 37.

Examination—

Accounts and documents, questions in causes involving, may be referred, § 57; and see REFEREES, OFFICIAL, AND SPECIAL.

Defendant, examination of, on plaintiff's application for judgment on writ specially indorsed, O. 14, r. 3.

Oral examination of debtor as to debts or property, O. 42, r. 32.

Of party where judgment other than for money, O. 42, r. 33.

Witness before trial; see EVIDENCE, C.

Examiner—

See EVIDENCE, C.

Exceptions—

Right to have issues submitted to the jury with a proper and complete direction upon the law and as to the evidence, may be enforced by motion on exceptions upon the record, §§ 22.

Exceptions to Answers—

See ANSWERS.

Exchequer Chamber—

Jurisdiction of, transferred to Court of Appeal, 18 § (4).

Exchequer, Court of—

Chancellor of the Exchequer shall cease to exercise judicial functions, § 96.

Consolidated in Supreme Court, § 3.

Jurisdiction transferred to High Court, § 16.

Lord Treasurer shall cease to exercise judicial functions, § 97.

Pending business, transfer of, § 34.

Sheriffs shall be appointed as hitherto, § 96.

Exchequer Division of High Court of Justice—

Consolidated in Q. B. D., Order in Council, 16th Dec. 1880.

Revenue side of; see REVENUE SIDE OF Q. B. D.

Exchequer, Office of the Receipt of—

Not affected by the Act, § 97.

Execution—

A. What Executions may issue; B. When Execution may issue; C. Form of, and how issued; D. Effect, Duration, Renewal, and Return; E. Discovery in Aid of.

A. What Executions may issue.

Attachment may issue to enforce judgments against or for:—

Corporations, O. 42, r. 31.

Payment of money into court, O. 42, r. 4.

Property other than land or money, O. 42, r. 6.

Requiring any act to be done, or abstained from, O. 42, r. 7.

Effect, shall be the same as heretofore, O. 44, r. 1.

Form of writ, H. 12.

Leave to issue, and notice of application therefor, is necessary, O. 44, r. 2.

Order for answers to interrogatories, discovery or inspection, may be enforced by attachment, O. 31, rr. 21, 22.

Præcipe for, G. 10.

Referee has no power to enforce orders by attachment, O. 36, r. 51.

Solicitor liable to, on failing to appear, or to put in bail in admiralty action, pursuant to his undertaking, O. 12, r. 18.

So also on failing to give client notice of order for discovery or inspection, O. 31, r. 23.

Writ, form of, H. 12.

Attachments of debts; see that title.

Audita querela, abolition of, and substitution of application for stay of execution, O. 42, r. 27.

Execution (*continued*)*A. What Executions may issue (continued).*

Committal, judgment to do or abstain from doing any act, may be enforced by, O. 42, r. 7.

Referee has no power to order committal, O. 36, r. 51.

Court of Appeal shall for purposes of execution have all the powers, etc., of the H. C., § 19.

Delivery, writ of, may issue for the recovery of property other than land or money, O. 42, r. 6,

Contents, effect and enforcement of, O. 48, r. 1.

Damages, costs and interest may be levied, O. 48, r. 2.

Form shall be H. 10 ; O. 48, r. 2.

Where assessed value is to be levied instead of distress till return, H. 11.

Præcipe for, G. 8.

Separate writs may issue for damages and costs and interest, O. 48, r. 2.

Value of the property may, at plaintiff's option, be ordered to be levied, O. 48, r. 1.

Distringas against ex-sheriff may be issued and executed as heretofore, O. 43, r. 5.

Form, H. 14.

Præcipe for, G. 11.

Elegit may issue upon a judgment or order for money or costs as soon as same are payable, O. 42, r. 17.

Executed, shall be, and shall have the same force and effect as heretofore, O. 43, r. 1.

Form, H. 3.

Præcipe for, G. 2.

Stay of execution, may be ordered, O. 42, r. 17.

Writs in aid of, may be issued and executed as heretofore, O. 43, r. 5.

Expenses of performing act where judgment or order disregarded, execution for, O. 42, r. 30.

Fi. Fa. may issue upon a judgment or order for money or costs, as soon as the same is payable, O. 42, r. 17.

Executed shall be, and shall have the same force and effect as heretofore, O. 43, r. 1.

Execution (*continued*).*A. What Executions may issue (continued).*

Form	H. 1.
„ <i>de bonis ecclesiasticis</i>	H. 5.
„ „ „ to archbishop	H. 6.
„ on order for costs	H. 2.
„ on judgment removed from Lord Mayor's Court	H. 15.
<i>Præcipe</i> for	G. 1.
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Stay of execution may be ordered, O. 42, r. 17.

Writs in aid of, may be issued and executed as heretofore, O. 43, r. 5.

Fi. Fa. de bonis ecclesiasticis, when same may issue,
O. 43, rr. 3, 5.

Firms, writs of execution against, O. 42, r. 10.

Garnishees, execution against, O. 45, r. 3.

Injunction, enforcing, by attachment or committal, O. 42,
r. 7.

Judgment, for the recovery of:—

Land, may be enforced by writ of possession, O. 42,
r. 5; and see POSSESSION, WRIT OF, *infra*.

Money, may be enforced by any mode heretofore in
use, O. 42, r. 3.

Attachment of debts; see that title.

Elegit }
Fi. Fa. } see *supra*.

Judgment debtor summons; see JUDGMENT
DEBTOR.

Money into court, may be enforced by sequestration
or attachment, O. 42, r. 4.

Attachment; see *supra*.

Sequestration; see *infra*.

Property, other than land or money, may be enforced
by attachment, writ of delivery, or sequestration,
O. 42, r. 6.

Attachment }
Delivery, writ of } see *supra*.
Sequestration; see *infra*.

Execution (*continued*).*A. What Executions may issue (continued).*

Requiring any act to be done, or to abstain from doing, O. 42, r. 27.

Land, judgment for recovery of, may be enforced by writ of possession, O. 42, r. 5; and see POSSESSION, WRIT OF, *infra*.

Separate writs for possession and costs may issue, O. 47, r. 3.

Mandamus or injunction, enforcing judgment for, by attachment or committal, O. 42, r. 7.

Attachment	} see <i>supra</i> .
Committal	

Money, judgment for the recovery of, may be enforced by any mode heretofore in use, O. 42, r. 3.

Attachment of debts; see that title.

<i>Elegit</i>	} see <i>supra</i> .
<i>Fi. Fa.</i>	

Judgment debtor summons; see JUDGMENT DEBTOR.

Money into court, judgment for, may be enforced by attachment or sequestration, O. 42, r. 4.

Attachment; see *supra*.

Sequestration; see *infra*.

Order in which writs may issue is not affected by O. 42; O. 42, r. 29.

Order of court or judge may be enforced in the same manner as a judgment to the same effect, O. 42, r. 24.

Partners, writs of execution against, O. 42, r. 10.

Payment into court, judgment for, may be enforced by attachment or sequestration, O. 42, r. 4.

Attachment; see *supra*.

Sequestration; see *infra*.

Possession, writ of, may issue to enforce judgments for the recovery of land, O. 42, r. 5.

In the manner heretofore used in actions of ejectment, O. 47, r. 1.

Issue, writ may, without any order on filing an

Execution (*continued*).*A. What Executions may issue (continued).*

affidavit of service and disobedience of the judgment or order, O. 47, r. 2.

Præcipe, form of, G. 7.

Separate writs for possession and costs may issue, O. 47, r. 3.

Writ, form of, H. 8.

Property other than land or money may be enforced by attachment, writ of delivery, or sequestration, O. 42, r. 6.

Attachment
Delivery, writ of } see *supra*.

Sequestration; see *infra*.

Saving as to existing modes of enforcing judgments and orders, O. 42, r. 28.

Saving as to order in which writs of execution may be issued, O. 42, r. 29.

Separate writs for money and costs may issue, the second writ being for costs only, and issuing not less than eight days after the first, O. 42, r. 18.

Sequestrari facias de bonis ecclesiasticis, shall be delivered to the bishop for execution, O. 43, r. 4.

Executed may be, in same manner as heretofore, O. 43, r. 5.

Shall be executed by bishop, O. 43, r. 4.

Fees of bishop shall be such as may be allowed by lawful authority, O. 43, r. 4.

Issued may be in same cases and manner as heretofore, O. 43, r. 5.

Issued may be where upon return to *fi. fa.* or *elegit*, it appears that defendant is a beneficed clerk, and has no goods, nor lay fee, in sheriff's bailiwick, O. 43, r. 3.

Returned by bishop, writ when, shall be delivered to party suing same out, and be filed in central office, O. 43, r. 4.

Writ, form of, H. 7.

Præcipe, G. 5.

Execution (*continued*).*A. What Executions may issue (continued).*

Sequestration may, without any order, issue to enforce judgments against or for :—

Beneficed clerks, O. 43, r. 3.

Corporations, O. 42, r. 31.

Payment of money into court, O. 42, r. 3.

Property other than land or money, O. 42, r. 6.

Requiring any act to be done within a limited time, O. 43, r. 6.

Effect shall be as heretofore in chancery, O. 43, r. 6.
Form, H. 13.

Judgment or order must be served, and a refusal or neglect to obey same obtained, in certain cases, before writ can issue, O. 43, r. 6.

Leave to issue is necessary where sequestration is issued for payment of costs, O. 43, r. 7.

Proceeds may be dealt with as heretofore in chancery, O. 43, r. 6.

Third parties, execution by and against, O. 42, r. 26.

Venditioni exponas, when same may issue, O. 43, r. 2.

Form of, H. 4.

B. When Execution may issue.

Appeal is no stay of execution, unless so ordered, O. 58, r. 16.

Conditional or contingent judgment or order, leave to issue execution on a, is necessary, O. 42, r. 9.

Counterclaim, execution shall not issue, without leave, on a judgment for unanswered part of plaintiff's claim, where there is a, O. 27, r. 9.

Demand unnecessary ; party is bound to obey judgment or order on being served therewith, O. 42, r. 1.

Execution may issue on a judgment or order for money or costs as soon as the same be payable, unless a stay is ordered, O. 42, r. 17.

On other judgments or orders (not being for recovery of land) in fourteen days, unless otherwise ordered, O. 42, r. 19.

Issue, execution may, within six years, O. 42, r. 22.

Execution (*continued*).*B. When Execution may issue (continued).*

Land, writ of possession may issue on filing affidavit of due service and disobedience of judgment or order, O. 47, r. 2.

Leave necessary after six years, or where any change in the parties has taken place, O. 42, r. 23 (*a*).

Where a husband is entitled or liable upon a judgment or order for or against a wife, O. 42, r. 23 (*b*).

Where party is entitled upon judgment of assets *in futuro*, O. 42, r. 23 (*c*).

Where execution is against shareholders upon a judgment against a company or officer thereof, O. 42, r. 23 (*d*).

Speedy execution, court or judge may grant, O. 42, r. 19.

Stay of execution, appeal is no, unless so ordered, O. 58, r. 16.

Court may order stay of execution at or after judgment or order, O. 42, rr. 17, 19.

Where facts arise too late to be pleaded, O. 42, r. 27.

C. Form of and how issued.

Date, shall be date of issue, O. 42, r. 14.

District registry, writs of execution shall issue from, where cause or matter is proceeding in, O. 35, r. 4.

Expenses of execution may be levied over and above the sum recovered, O. 42, r. 15.

Forms of writs of execution in appendix H. shall be used, with any requisite variation O. 42, r. 14.

Attachment	H. 12.
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Delivery	H. 10.
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„ or assessed value	H. 11.
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<i>Distringas</i> against sheriff	H. 14.
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<i>Elegit</i>	H. 3.
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<i>Fieri Facias</i>	H. 1.
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„ <i>de bonis ecclesiasticis</i>	H. 5.
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„ „ „ to archbishop	H. 6.
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„ on order for costs	H. 2.
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„ on judgment removed from	H. 2.
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Lord Mayor's Court	H. 15.
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Execution (*continued*)*C. Form of and how issued (continued).*

Possession	H. 8.
„ Admiralty	H. 9.
Sequestration	H. 13.
<i>Sequestrari facias de bonis ecclesiasticis</i>	H. 7.
<i>Venditioni exponas</i>	H. 4.
Indorsement of name and address of solicitor and agent issuing execution, or of party in person, O. 42, r. 13.	
Of levy on writs for recovery of money, O. 42, r. 16.	
Judgment or order, or an office copy, must be produced to officer on issuing execution, and officer shall be satisfied that proper time has elapsed, O. 42, r. 11.	
Levy shall be endorsed on writs for recovery of money, O. 42, r. 16.	
Poundage and expenses may be levied, O. 42, r. 15.	
<i>Præcipe</i> shall be filed. Forms in appendix G. shall be used with any requisite variation, O. 42, r. 12.	
Attachment	G. 10.
Delivery	G. 8.
<i>Distringas</i> against sheriff	G. 11.
<i>Elegit</i>	G. 2.
<i>Fieri facias</i>	G. 1.
„ <i>de bonis ecclesiasticis</i>	G. 4.
Possession	G. 7.
Sequestration	G. 6.
<i>Sequestrari facias de bonis ecclesiasticis</i>	G. 5.
<i>Venditioni exponas</i>	G. 3.

D. Effect, Duration, Renewal and Return.

Definition of terms “writ of execution” and “issuing
execution against any party” when used in rules,
O. 42, r. 8.

Duration, writs shall remain in force one year only, unless
renewed, O. 42, r. 20.

Renewal of writ within one year by leave, O. 42, r. 20.

Production of writ or notice duly sealed shall be
sufficient evidence of renewal, O. 42, r. 21.

Form of notice of renewal, B. 21.

Execution (*continued*).*D. Effect, Duration, Renewal and Return* (*continued*).

Return shall be made upon notice and without any order, O. 52, r. 11.

Committal of sheriff for noncompliance with notice, O. 52, r. 11.

E. Discovery in Aid of.

Examination of debtor as to debts due to him, and as to his property, where judgment or order is for recovery or payment of money, O. 42, r. 32.

Order may be made for attendance and examination of debtor or of any other person and for production of books and documents, O. 42, r. 32.

Form of order, K. 46.

Examination of any party where difficulty arises in enforcing judgment or order other than for recovery or payment of money, O. 42, r. 33.

In either of the above cases costs shall be in the discretion of the court or judge, or examining officer if so directed, O. 43, r. 34.

Execution of Trusts—

See ADMINISTRATION AND EXECUTION OF TRUSTS.

Executors and Administrators—

Account, in action for an, writ of summons shall be indorsed with a claim therefor, O. 3, r. 8.

And see ACCOUNT, ACTION FOR.

Administration and execution of trusts ; see that title.

Beneficiaries shall be deemed to be represented by the executor or administrator, O. 16, r. 8.

Costs, saving of right to, out of estate or fund where proceedings have not been unreasonably instituted, carried on, or resisted, O. 65, r. 1.

Joinder : certain personal claims may be joined with claims by or against an executor or administrator, O. 18, r. 5.

Judgment of assets *in futuro*, leave to issue execution upon a, is necessary, O. 42, r. 23 (c).

Executors and Administrators (*continued*).

Parties: executors or administrators may sue and be sued without joining beneficiaries, who shall be deemed to be represented by the executor or administrator, O. 16, r. 8.

Beneficiaries may be joined by order, O. 16, r. 8.

Pleading: representative character shall be denied specifically, O. 21, r. 5.

Writ of summons shall be indorsed with statement showing representative capacity, O. 3, r. 4.

Forms of statement, A., part III., sec. 7.

Exhibit—

Accounts, etc. shall not be annexed but referred to as exhibits, O. 38, r. 23.

Short title shall be marked on every, O. 38, r. 24.

Existing—

Interpretation of the term, when used in Act, § 100, ‡ 3.

Procedure, existing, preserved, §§ 21 ; O. 72, r. 2.

Experiments—

May, by order, be made for the purpose of obtaining information or evidence, O. 50, r. 3.

Application, how made, O. 50, r. 6.

Application of this rule to inspection by a jury, O. 50, r. 5.

Experts—

Judge in chambers in Ch. Div. may obtain assistance of accountants, merchants, engineers, actuaries and other scientific persons, and may act on the certificate of any such person, O. 55, r. 19.

Fees of, shall be regulated by taxing officers, subject to appeal, O. 65, r. 27, reg. 36.

Special referees, § 56, § 57 ; and see that title.

Express Trust—

Statute of limitations inapplicable to, § 25.

Extension of Time—

See ENLARGEMENT OF TIME.

F

Fees, Counsels'—

See COUNSEL.

Fees in the Supreme Court—

Annual account shall be made out, §§ 28.

Charitable Trusts Act, 1853, s. 28, fees payable on proceedings before a judge in chambers, O. 65, r. 24.

When directed to be heard in court, O. 65, r. 25.

Costs ; see that title.

Existing fees, saving as to, §§ 26.

Lord Chancellor may, with sanction of the Treasury, fix, alter, and abolish, §§ 26.

Stamps, fee shall be taken by, §§ 26.

Unstamped documents shall not be received in evidence, §§ 26.

Fieri Facias—

Executed shall be, and shall have the same force as heretofore, O. 43, r. 1.

Issue, may, on a judgment or order for money or costs, as soon as same is payable, O. 42, r. 17.

Præcipe for, G. 1.

Stay of execution may be ordered, O. 42, r. 17.

Writ, form of	H. 1.
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„	on order for costs	H. 2.
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„	on judgment removed from	Lord
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Mayor's Court	H. 15.
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Writs in aid of, preserved, O. 43, r. 5.

And see EXECUTION — FIERI FACIAS DE BONIS ECCLESIASTICIS.

Fieri Facias de Bonis Ecclesiasticis—

Executed and issued, may be, in the same cases and manner as heretofore, O. 43, r. 5.

Fieri Facias de Bonis Ecclesiasticis (*continued*).

Fees of bishop and his officers shall only be such as may be allowed by lawful authority, O. 43, r. 4.

Issue may, where it appears on return to *fi fa* or *elegit* that the defendant is a beneficed clerk, and has no goods, chattels or lay fee in the bailwick, and such return has been filed, O. 43, r. 3.

Sealed shall be, and delivered to bishop, O. 43, r. 4.

When returned by bishop, shall be delivered to party issuing, and shall thereupon be filed in central office, O. 43, r. 4.

Writ, form of H. 5.

” ” to archbishop H. 6.

Præcipe for G. 4.

And see EXECUTION.

Figures—

Dates, sums, and numbers in pleadings shall be expressed in figures, O. 19, r. 4.

Filing—

Admiralty affidavits or proofs shall be filed in the admiralty registry, O. 38, r. 10.

Affidavits, what, to be filed in central office, O. 38, r. 10.

Chancery cause or matter in district registry, filing in London documents used in London, O. 35, r. 21.

Crown side of Q. B. D. affidavits used on, shall be filed in the crown office department, O. 38, r. 10.

District registry, affidavits used in a, shall be filed there, O. 38, r. 10.

Transmission of proceedings filed in, on removal of action to London, § 65.

And a copy of all entries in the books of the D. R., O. 35, r. 20.

Documents not requiring personal service, where no appearance, or no address for service, O. 67, r. 4.

Filing and record department of central office, O. 61, r. 1.

Order directing the filing of any document need not be drawn up, O. 52, r. 14.

Notice of the order shall be served, O. 52, r. 14.

Filing (*continued*).

Pleadings, where no appearance, O. 19, r. 10.

Probate affidavits shall be filed in the probate registry,
O. 38, r. 10.

Special case, O. 34, r. 3.

Time for filing any document may be enlarged by consent,
O. 64, r. 8.

Warrant of arrest in admiralty action *in rem*, O. 9, r. 11.

Writ of summons, filing of copy of every, O. 5, r. 12.

Final Judgment—

See JUDGMENT.

Firms—

Plaintiffs: two or more persons may sue in the name of the firm, of which they were partners when the cause of action accrued, O. 16, r. 14.

Demand of names and residences of partners, O. 7, r. 2.

Pleading; constitution of firm shall be denied specifically,
O. 21, r. 5.

Summons for names of co-partners, O. 16, r. 14.

Defendants: two or more persons may be sued in name of the firm, of which they were partners when the cause of action accrued, O. 16, r. 14.

So where one person carries on business in name of a firm, apparently consisting of more than one person, O. 16, r. 15.

Appearance shall give individual names of partners,
O. 12, r. 15.

So also if only one member of firm, O. 12, r. 16.

Execution against firms, O. 42, r. 10.

Judgment or order against a firm, how enforced, O. 42, r. 10.

Pleading, constitution of firm shall be denied specifically,
O. 21, r. 5.

Summons for names of co-partners, O. 16, r. 14.

Writ of summons may be served on partner, or on any person having the control or management of the business, O. 9, r. 6.

So also where there is but one person in the business,
O. 9, r. 7.

Firms (*continued*).

Where partnership has been dissolved, every person sought to be made liable shall be served, O. 16, r. 14.

Folio—

Shall comprise seventy-two words, every figure being counted as one word, O. 65, r. 27, reg. 14.

Foreclosure—

Action for, assigned to Chancery Div., § 34 (3).

Indorsement of claim on writ of summons, A., part III., sec. 1, No. 4.

Pleadings, form of statement of claim ... C., sec. 2, No. 5.

Defence, form of ... D., sec. 2, No. 1.

By alleged prior incumbrancer ... „ „ 2.

Forms—

Included in the term “Rules of Court,” § 100.

Masters may prescribe the use of modified or additional forms, for use in central office, O. 61, r. 33.

Variations, requisite, shall be made, O. 61, r. 32.

And see the various titles throughout the index.

Fraud—

May be alleged in pleadings, without setting out the circumstances, O. 19, r. 22.

Statement of claim, forms of:—

Fraudulent prospectus ... C. sec. 6, No. 13.

Fraudulent sale of a lease... „ „ 14.

Statute of frauds must be specially pleaded, O. 19, r. 20.

Further Consideration—

Chambers in Ch. Div., matter originating in, may be brought on for further consideration, after eight and within fourteen days from the filing of the chief clerk's certificate, by summons taken out after such fourteen days, O. 55, r. 72.

Chancery Division, in, where cause or matter is adjourned for further consideration, same may after eight and within fourteen days from the filing of chief clerk's certificate be

Further Consideration (*continued*).

set down on written request of party having the conduct of the proceedings, O. 36, r. 21.

After such fourteen days, on the request of any other party, O. 36, r. 21.

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A. Constitution.

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Judge appointed to fill vacancy shall belong to the same division as his predecessor, § 31.

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Appellate jurisdiction possessed by H. C., § 4.

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Assessors may be called in to assist in determining actions. § 56.

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Chambers, jurisdiction of judge in, § 39.

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Particular application, may by direction of L. C. be heard by any judge who consents so to do, O. 49, r. 4.

Pending business, transfer of, § 22.

Registration and election cases, jurisdiction final unless leave to appeal given, §§ 14.

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Remedies, all just, shall be granted, § 24 (7).

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Husband and Wife—

Claims by or against husband and wife may be joined with claims by or against either of them separately, O. 18, r. 4.

Execution shall not be issued by or against a husband, upon a judgment or order for or against a wife, without leave, O. 42, r. 23 (*b*).

Issues or questions, necessary to determine rights of the parties, may be tried, and terms imposed, O. 42, r. 23.

Marriage shall not abate action, if cause survive, O. 17, r. 1.

Husband may be joined or served with notice, O. 17, r. 2.

Writ of summons shall be served on husband and wife where both are defendants unless otherwise ordered, O. 9, r. 3.

And see MARRIAGE.

I**Idiots—**

See LUNACY—LUNATIC.

Income—

Power of judge to allow whole or part of annual income to parties interested, where he is satisfied that the estate will be more than sufficient to satisfy all claims, O. 50, r. 9.

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Index—

Central office, index to documents in, shall be kept, and be accessible to the public, on payment of fee, O. 61, r. 17.

Chancery registrars' entries, index of, shall be made, and when completed be transmitted to the central office, and be accessible to the public on payment of fee, O. 62, r. 3.

Indorsement of Address—

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Infants—

Action, infants may sue by their next friends, and defend by their guardians as heretofore in the Ch. Div., O. 16, r. 16.

Next friend's authority to solicitor shall be signed and filed before his name is used, O. 16, r. 20.

Appeals to House of Lords, time allowed for, S. O. 1.

Appear, shall not, except by guardian *ad litem*, O. 16, r. 18.

Affidavit of solicitor, and consent of guardian, on entering appearance, O. 16, r. 18.

Form of affidavit, A. part II., No. 8.

Custody of, in questions relating to, rules of equity shall prevail, § 25 (10).

Default of appearance on, guardian *ad litem* may be appointed on plaintiff's application, O. 13, r. 1.

Education of, in questions relating to, rules of equity shall prevail, § 25 (10).

Estates of, actions relating to, assigned to Ch. Div., § 34.

Evidence, effect of consent as to mode of taking, O. 16, r. 21.

Guardian *ad litem*, may be directed to be appointed, where infant served with notice of judgment or order, O. 55, r. 27.

Guardian, evidence requisite on applications in Ch. Div. for appointment of, O. 55, r. 25.

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Marriage, evidence required in Ch. Div. on application for sanction to settlements, and the proposals, O. 55, r. 26.

New party, application by infant having a guardian *ad litem* to discharge or vary order, O. 17, r. 6.

Not having at time of service a guardian *ad litem*, O. 17, r. 7.

Notice of judgment or order, shall be served as a writ, O. 16, r. 44; and see JUDGMENT, I.

Payment into court, by order, of money recovered in Q. B. D. by an infant, and investment thereof, O. 22, r. 15.

Sale, transfer, and payment out thereof, and of dividends thereof, O. 22, r. 16.

Petition, notice of motion, or summons, infant served with, shall appear on hearing by guardian, O. 16, r. 19.

Affidavit of solicitor, and consent of guardian, O. 16, r. 19.

Pleadings; facts not denied, shall not be taken to be admitted as against an infant, O. 19, r. 13.

Claim, statement of, in an action of wardship and care of infant's estates C. sec. 4, No. 14.

Defence of infancy, form of D. sec. 4.

Solicitor appointed guardian *ad litem*, costs of, may be directed to be paid by parties to the cause or matter, or out of any fund in court, O. 65, r. 13.

Special case, where infant a party, shall not be set down without leave, O. 34, r. 4.

Order must be produced on setting down, O. 34, r. 5.

Wardship of infants, actions as to, assigned to Ch. Div., § 34.

Writ of summons may be served on guardian or person having care of infant, O. 9, r. 4.

Service on infant may by order be deemed good service, O. 9, r. 4.

Inferences of Fact—

Court of Appeal may draw inferences of fact, O. 58, r. 4.

Motion for judgment or new trial, court may draw inferences of fact, not inconsistent with the finding of the jury, O. 40, r. 10.

Inferior Court—

Administration of law, or procedure, in any, may be inquired and examined into by the council of judges of the Supreme Court, § 75.

Admiralty appeals from inferior courts shall be assigned to a divisional court of P. D. and A. Div., O. 59, r. 4.

Admiralty jurisdiction, may be conferred on any inferior court by order in council, § 88.

Power to grant similar relief and remedies as the High Court, § 89.

Appeals from inferior courts, may be heard by divisional courts of the High Court of Justice, § 45.

Constitution of such divisional courts, O. 59, r. 4.

Decision shall be final, unless special leave to appeal be given, § 45.

Enactments may by order in council be applied to appeals from inferior courts, §§ 15.

Entered, appeals shall be in list by crown office, O. 59, r. 4.

Two copies of the appeal case shall be lodged for the use of the judges, R. 2 of 22nd. January, 1877.

Costs in court below of cause removed from inferior court, shall be costs in cause, O. 65, r. 3.

County courts, appeals from, shall not be assigned to Ch. Div., § 34.

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Form of order on removal of judgment, K, 30.

Judge's notes, copy of, must be handed to officer in court before appeal under Act of 1875 can be heard, R. 3 of 22nd Jan, 1877.

Defence or counter-claim, may be disposed of by inferior court, to the extent of its jurisdiction, § 90.

Power of transfer to High Court where matter is beyond the jurisdiction of the inferior court, § 90.

Equitable jurisdiction may be conferred on any inferior court by order in council, § 88.

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Power to make rules for practice of county courts, ‡ 27.

Rules of law enacted in Act shall receive effect in all courts whatsoever, § 91.

Informality—

See IRREGULARITY.

Information—

Instituted, shall be, by an action, O. 1, r. 1.

Relator's authority to solicitor shall be signed and filed before his name is used, O. 16, r. 20.

Injunction—

Act required to be done may, by order, be done by some other appointed person, at the cost of the disobedient party, and the expenses incurred may be ascertained, and execution issued therefor and costs, O. 42, r. 30.

Action shall not be restrained by, § 24 (5).

Affidavits, copies of, used on *ex parte* application for, shall be furnished immediately on request and undertaking to pay, O. 66, r. 7 (*j*).

Application for, how and when granted, § 25 (8).

May be made by either party ; and if by plaintiff, *ex parte* or with notice, O. 50, r. 6.

Enforcing injunction by attachment or committal, O. 42, r. 7.

Equitable matter entitling defendant to an injunction to stay proceedings may be relied on by way of defence, § 24 (5).

Form of indorsement of claim for injunction to be made on writ of summons, A. part II., sec. 4.

Granted, may be, when and how, § 25 (8) ; O. 50 r. 12.

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Whether claim of title or not, § 25 (8).

Whether estates legal or equitable, § 25 (8).

With or without terms, O. 50, r. 12.

Interim injunction may be granted, upon or without terms O. 50, r. 12.

Interlocutory order for, where just and convenient, § 25 (8)

Master in chambers cannot grant, O. 54, r. 12 (*h*).

Proceedings shall not be restrained by injunction, § 24 (5).

Staying proceedings in lieu of injunction, § 24 (5).

Terms may be imposed, § 25 (8) ; O. 50, r. 12.

Trespass, injunction to prevent apprehended, § 25 (8).

Waste, injunction to prevent apprehended, § 25 (8).

Injunction (*continued*).

Writ of injunction shall not be issued; judgment or order shall have the effect of, O. 50, r. 11.

Inquiries—

Cause or matter, inquiries may be directed at any stage of a, O. 33, r. 2.

Delay in the prosecution of any inquiries; explanation may be called for, and order made as to the future conduct and as to costs, O. 33, r. 9.

Direction, each, in the judgment, or order directing the inquiries, shall be numbered, O. 33, r. 7.

District registry, inquiries may be directed to be taken in a, § 66.

Report may be acted upon, as to court shall seem fit, § 66.

Judgment or order for inquiries shall be in form L. 28, with any requisite variation, O. 33, r. 7.

Motion for judgment or new trial, on a, inquiries may be directed to be made, O. 40, r. 10.

Official solicitor may be directed to summon persons, and to conduct and carry out proceedings where there is delay in prosecuting inquiries, O. 33, r. 9.

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Inquiry and Writ of Inquiry—

Assessment of damages by officer without writ of inquiry, where amount is substantially a matter of calculation, O. 36, r. 57.

In respect of continuing cause of action, shall be down to time of assessment, O. 36, r. 58.

Default of appearance, interlocutory judgment for, in action for detention of goods or damages, O. 13, r. 5.

Several defendants, some appearing, some not, O. 13, r. 6.

Where writ also indorsed with a liquidated demand, O. 13, r. 7.

Default of defence, interlocutory judgment for, in action for detention of goods or damages, O. 27, r. 4.

Several defendants, some defending, some not, O. 27, r. 5.

Where plaintiff's claim is also for a liquidated demand, O. 27, r. 6.

Inquiry and Writ of Inquiry (*continued*).

Entered, inquiry may be, notwithstanding the pleadings are not closed, O. 36, rr. 15, 56.

Form of writ of inquiry, J. 8.

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Inquiry, the, may be postponed or adjourned to such time and place, and on such terms, as may be fit, O. 36, rr. 34, 56.

Addresses to the jury, how regulated, O. 36, rr. 36, 56.

Damages in respect of a continuing cause of action shall be assessed to the time of assessment, O. 36, r. 58.

Habeas corpus, new writ of, may be issued without fee, where inquiry adjourned, O. 36, rr. 35, 56.

Particulars must be given in libel or slander of matters intended to be proved in mitigation of damages, O. 36, rr. 37, 56.

In default, evidence thereof is excluded unless by leave, O. 36, rr. 37, 56.

Witnesses shall be examined *vivâ voce*, O. 37, r. 1.

Notice of inquiry, shall be ten days, unless the party is under terms to take short notice, O. 36, rr. 14, 56.

Countermanded, shall not be, except by leave, O. 36, rr. 19, 56.

Given, shall be, before inquiry entered for hearing, O. 36, rr. 15, 56.

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Insolvent Companies—

Bankruptcy rules govern winding up, §§ 10.

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Administration of, shall be as in bankruptcy, §§ 10.

Inspection—

Application to inspect documents which has been refused by

Inspection (*continued*).

the opponent, shall be made to a judge, and, with certain exceptions, be founded on affidavit, O. 31, r. 18.

Affidavit, contents of, O. 31, r. 18.

Form of order K. 18.

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Issues may be raised and question of right of inspection reserved, O. 31, r. 20.

Non-compliance with order renders party liable to attachment, and if a plaintiff, to have his action dismissed, and if a defendant, to have his defence struck out, O. 31, r. 21.

Bankers', or other books in constant use may be inspected at their usual place of custody, O. 31, r. 17.

Copies: if solicitor producing documents refuses or neglects to supply copies at 4d. per folio, the solicitor inspecting may make the copies, and the solicitor producing is not to be entitled to any fee in respect thereof, O. 65, r. 27, reg. 18.

Court rolls, limited inspection of may be ordered on application of copyhold tenant, O. 31, r. 19.

Discovery of documents; see DISCOVERY OF DOCUMENTS.

District registry, documents may be ordered to be produced in a, § 66.

Judge may inspect any property or thing, concerning which any question may arise, O. 50, r. 4.

Notice to inspect and admit documents, O. 32, r. 2.

Costs on refusal to admit, or where notice not given, O. 32, r. 2.

Form of notice shall be B. 11, with any requisite variation, O. 32, r. 3.

Proof of admissions by affidavit of solicitor or his clerk, O. 32, r. 7.

Notice to produce documents referred to in opponent's pleadings or affidavits, for inspection and copies, O. 31, r. 15.

Costs of, not allowed, unless there be good and sufficient reason for giving this notice and making this inspection, O. 65, r. 27, reg. 17.

Inspection (*continued*).

Form of notice shall be B. 9, with any requisite variation
O. 31, r. 16.

Non-compliance with notice, prevents party putting documents in evidence, unless he satisfies the court that he had some sufficient cause or excuse, O. 31, r. 15.

Notice of appointment to inspect pursuant to notice to produce, O. 31, r. 17.

Form of notice shall be B. 10, with any requisite variation, O. 31, r. 17.

Offer of inspection may affect opponent's application to interrogate, O. 31, r. 2.

Order for inspection may be granted where no proper notice of appointment to inspect is given, O. 31, r. 18.

May also be granted, on proper affidavit, to inspect documents not disclosed on opponent's pleadings or affidavits, O. 31, r. 18.

Service on solicitor of order for inspection, is sufficient to found application for attachment, but party may show no knowledge of order, O. 31, r. 22.

Solicitor liable to attachment for not giving notice of order to his client, O. 31, r. 23.

Property, orders may be made for the inspection of, with powers to enter upon any land or building in the possession of any party to the cause or matter, to take samples, or make observations or experiments, O. 50, r. 3.
Application for order, O. 50, r. 6.

This rule applied to inspection by a jury, O. 50, r. 5.

Referee may have any inspection or view, by himself or with his assessors (if any), which he may deem expedient, O. 36, r. 48.

View by a jury, O. 50, r. 5.

Insufficiency of Answers—

Exceptions for, abolished, O. 31, r. 10.

Order to answer further by affidavit or *vivâ voce* examination, O. 31, r. 11.

Sufficiency shall be determined on motion or summons, O. 31, r. 10.

Interest—

Appeal from H. C., interest shall be allowed unless otherwise ordered, and may be computed by taxing officer, O. 58, r. 19.

Computation of, may be directed to be certified by chief clerk, and to be acted upon without further order, O. 55, r. 18.

Costs, interest on, runs from date of judgment or order, H. 1.

Creditors of deceased person on administration in Ch. Div., interest shall be allowed to, O. 55, r. 62.

Debts not carrying interest, receive interest out of assets after costs, debts established, and interest on debts carrying interest, are satisfied, O. 55, r. 63.

Legacies, interest on, on administration in Ch. Div., O. 55, r. 64.

Receiver may be charged with interest, when he delays to pass his accounts, O. 50, r. 18.

Writ of delivery, interest may be levied, O. 48, r. 2.

Writ of execution may be indorsed to levy interest, O. 42, r. 16.

Writ of summons, form of indorsement on, of claim for interest, A. part III, sec. 2, No 6.

Interest Suit (Probate)—

Form of statement of claim in, C. sec. 3, No 1.

Form of defence, D. sec. 3, No 1.

Interim Order—

See INTERLOCUTORY ORDERS AND PROCEEDINGS.

Interlocutory Application—

See INTERLOCUTORY ORDERS AND PROCEEDINGS.

Interlocutory Judgment—

Default of appearance in action for detention of goods or damages, O. 13, r. 5.

Several defendants, some appearing, some not, O. 13, r. 6.

Where writ also indorsed with a liquidated demand, O. 13, r. 7.

Default of defence in action for detention of goods or damages, O. 27, r. 4.

Several defendants, some defending, some not, O. 27, r. 5.

Interlocutory Judgment (*continued*).

Where plaintiff's claim is also for a liquidated demand,
O. 27, r. 6.

Defence answering part only of the plaintiff's claim O. 27, r. 9.
Judgment, form of, F. 2.

Interlocutory Orders and Proceedings—

Accounts and inquiries; see that title.

Affidavit of belief admissible on, O. 38, r. 3.

Appeal to Court of Appeal; see APPEAL, C.

Interlocutory orders unappealed, shall not prejudice a
decision on the appeal, O. 58, r. 14.

Costs may be ordered to be by payment of a sum in gross in
lieu of taxed costs, O. 65, r. 23.

Experiments; see that title.

Injunction; see that title.

Inspection of property; see INSPECTION.

Lien; see that title.

Mandamus; see that title.

Preservation of property; see that title.

Proceedings subsequent to trial shall be had before judge
before whom trial took place, † 17.

Questions and issues; see that title.

Receiver; see that title.

Sale of perishable goods may be ordered, O. 50, r. 2

Written evidence used on any, need not be printed, O. 66,
r. 6.

Interpleader—

Application by a defendant may be made at any time after
writ of summons served, O. 57, r. 4.

Evidence; see EVIDENCE *infra*.

Chose in action, where assignment disputed, debtor may inter-
plead, § 25 (6).

Claimant appearing, may be made a defendant in any pending
action, or an issue may be stated and directions given as
to parties thereto, O. 57, r. 7.

Claimant not appearing, or, after appearance, neglecting or
refusing to comply with any order, may be barred as
against the applicant, O. 57, r. 10.

Interpleader (*continued*).

Costs, all just and reasonable orders as to, may be made
O. 57, r. 15.

Power over costs, of court or judge at trial of issue, O. 57,
r. 13.

Discovery, O. 31 as to, applied to interpleader, O. 57, r. 13.

Evidence in support of application, what it must comprise,
O. 57, r. 2.

Form of affidavit where application in an action, B. 26.

Issue may be ordered, O. 57, r. 7.

Judgment shall be final and conclusive, except where otherwise provided by statute, and unless by leave, O. 57, r. 11.

Court or judge at trial of issue may finally dispose of the whole matter, O. 57, r. 13. And see SUMMARY DECISION, *infra*.

Law, where the question is one of, and the facts are not in dispute, same may be decided without a trial, or a special case may be stated, O. 57, r. 9.

Orders, forms of, K. 50 to K. 56.

Relief may be granted :—

Although the titles of the claimants have not a common origin but are adverse and independent, O. 57, r. 3.

Where applicant is, or expects to be, sued by two or more claimants, O. 57, r. 1 (*a*).

Where applicant is a sheriff, O. 57, r. 1 (*b*).

Sale may be ordered on a sheriff's interpleader, where claimant claims the goods as security for a debt, O. 57, r. 12.

Proceeds may be ordered to be applied in such manner, and on such terms, as is just, O. 57, r. 12.

Several causes or matters, one order may be made in, O. 57, r. 14.

Special case may be ordered to be stated, O. 57, r. 9.

Application of O. 34 as to special cases, to interpleader,
O. 57, r. 9.

Stay of proceedings may be ordered, where application is in an action, O. 57, r. 6.

Summary decision may be given where claimants consent, or where, having regard to the value of the subject matter, it seems desirable, O. 57, r. 8.

Interpleader (*continued*).

Final, unless leave to appeal be given by court, or judge,
or C. A., O. 57, r. 11.

Summons may call on claimants to state and maintain or
relinquish their claims, O. 57, r. 5.

Trial, application of O. 36 as to trials, to interpleader, O. 57,
r. 13.

Interpretation of Terms—

Act of 1873, § 100.

Act of 1876, † 25.

Rules of Court, O. 71, r. 1.

And see WORDS.

Interrogatories—

Actions of fraud or breach of trust, in, interrogatories may be
delivered without an order, O. 31, r. 1.

By plaintiff after statement of claim, O. 31, r. 1.

By defendant at or after defence, O. 31, r. 1.

Other causes and matters, in, leave necessary, O. 31, r. 1.

Answered, interrogatories shall be, within ten days, O. 31, r. 8.

Time does not run until receipt for security served, O. 31,
r. 26.

Nor between day of service of order, and day of giving
security, O. 46, r. 6.

And see ANSWERS TO INTERROGATORIES.

Application for leave to deliver interrogatories, on any, any
offer of particulars, or admissions, or to produce docu-
ments, shall be taken into account, O. 31, r. 2.

Corporation, or company, order may be made to deliver
interrogatories to any member or officer, O. 31, r. 5.

Costs of interrogatories exhibited unreasonably, vexatiously,
or at improper length, and of the answers, shall be paid by
the party in fault in any event, O. 31, r. 3; and see
O. 65, r. 27, reg. 30.

Lien on security in court for costs of cause, O. 31, r. 27.

Security for; see SECURITY, *infra*.

Shall be allowed only where interrogatories appear to
have been reasonable, O. 31, r. 25.

Interrogatories (*continued*).

Where caused by misconduct or neglect shall be disallowed,
O. 65, r. 27, reg 20.

Form of, shall be B. 6, with any requisite variation, O. 31, r. 4.

Note at foot stating which interrogatory each person is
required to answer, O. 31, r. 1.

Irrelevant, interrogatories are, which do not relate to matters
in question in the cause or matter. O. 31, r. 1.

Issue or question, any, may be ordered to be determined,
before deciding on the right to interrogate, O. 31, r. 20.

Leave necessary, except in actions of fraud or breach of trust
O. 31, r. 1.

One set of interrogatories only shall be delivered unless by
order, O. 31, r. 1.

Order for delivery of interrogatories, K. 16.

Order to answer, or to answer further, may be made where
party omits to answer, or answers insufficiently, O. 31, r. 11.
By affidavit or *vivâ voce* examination, O. 31, r. 11.

Disobedience renders party liable to attachment, O. 31,
r. 21.

And if a plaintiff, to an order dismissing his action,
O. 31, r. 21.

And if a defendant, to have his defence struck out,
O. 31, r. 21.

Service of order on solicitor sufficient to ground application
for attachment, but party may show no notice or
knowledge of order, O. 31, r. 22.

Solicitor liable to attachment for neglect to give notice of
order to his client, O. 31, r. 23.

Security for costs of, shall be given by party interrogating,
O. 31, r. 25.

Payment into court of £5, and ten shillings for every
folio beyond five, shall be made before delivery of
interrogatories, O. 31, r. 26.

Payment out, of the money paid in, after final disposal of
cause, O. 31, r. 27.

Receipt, copy of, shall be served with the interrogatories,
O. 31, r. 26.

Setting aside unreasonable or vexatious, and striking out

Interrogatories (*continued*).

prolix, oppressive, unnecessary or scandalous interrogatories, O. 31, r. 7.

Application must be made within seven days after service of interrogatories, O. 31, r. 7.

Irrelevant, interrogatories are, which do not relate to the matters in question in the cause or matter, O. 31, r. 1.

Sheriff, in action against, may be ordered to answer by the officer actually concerned, O. 31, r. 28.

Investments—

See PAYMENT INTO AND OUT OF COURT.

Irregularity—

Affidavits may be received notwithstanding irregularity, O. 38, r. 14.

Application to set aside for irregularity must be made in a reasonable time and before any fresh step is taken after knowledge of the irregularity, O. 70, r. 2.

Objections shall be stated in the summons or notice of motion, O. 70, r. 3.

Where summons served with costs is dismissed generally, it is dismissed with costs, O. 70, r. 4.

Clerical mistakes in judgments and orders, or errors from accidental slips or omissions, may be corrected on motion or summons, O. 28, r. 11.

Defects or errors in any proceeding, amendment of, on terms, O. 28, r. 12.

Noncompliance with rules shall not render proceedings void, O. 70, r. 1.

Technical objections for want of form shall not be raised to pleadings, O. 19, r. 26.

And see AMENDMENT—SETTING ASIDE.

Issue of Writ—

See WRIT OF SUMMONS.

Issues of Fact—

Attachment of debts, issues necessary for determining liability may be ordered to be tried, O. 45, rr. 4, 6.

Issues of Fact (*continued*).

Conditional judgment, on application to enforce, issues may be directed, O. 42, r. 9.

Costs shall follow the event, unless otherwise ordered, O. 65, r. 2.

Discovery or inspection, issues may be ordered to be determined on any application for, before same granted, O. 31, r. 20.

Judgment on motion after trial of issue, form of, F. 18.

Master in chambers has no jurisdiction to settle issues, except by consent, O. 54, r. 12 (*d*).

Motion for judgment, or new trial, on any, issues may be directed to be tried, O. 40, r. 10.

Motion for judgment after some issues tried, whereby trial of others rendered unnecessary, O. 40, r. 8.

Notice of trial may be given at any time after the issues are ready for trial, O. 36, r. 11.

Questions of law may, by order, be tried before issues of fact' O. 34, r. 2.

Reference of questions to official or special referee for inquiry and report, § 56.

Settlement of issues, where the issues of fact in dispute are insufficiently defined, O. 33, r. 1.

Stated and tried without pleadings, issues of fact may be, by consent and order, O. 34, r. 9.

Form of issues may be B. 15, with any requisite variation, O. 34, r. 9.

Judgment may be entered for a sum agreed, and execution issue, O. 34, r. 11.

Judgment may be recorded, and shall have effect as in an action, O. 34, r. 12.

Proceedings shall be under control and jurisdiction of the court or judge as in an action, O. 34, r. 9.

Stay of execution may be ordered, to enable party to move to set aside the finding, or for a new trial, O. 34, r. 11.

Sum may be agreed upon to be paid by one party to the other, with or without costs, O. 34, r. 10.

Trial: issue may be entered for trial and tried as an issue in an ordinary action, O. 34, r. 9.

Issues of Fact (*continued*).

Trial of, by different modes of trial, O. 36, r. 8.

By official or special referee, § 57.

Right to a trial of by jury in certain actions, O. 36, r. 2.

Some issues before the others, O. 36, r. 8.

Where pleadings insufficiently define issues, O. 33, r. 1.

Without a jury, O. 36, r. 4.

And see **QUESTIONS AND ISSUES**.

J**Joinder of Causes of Action—**

Executor and administrator, claims by or against, may, subject to rr. 1, 8, and 9, be joined with claims by or against him personally, if arising with reference to deceased's estate, O. 18, rr. 5, 7.

Husband and wife, claims by or against, may, subject to rr. 1, 8, and 9, be joined with claims by or against them separately, O. 18, rr. 4, 7.

Joint claims by plaintiffs may, subject to rr. 1, 8, and 9, be joined with claims by them separately against the same defendant, O. 18, rr. 6, 7.

Land, in an action for recovery of, no other cause shall, unless by leave, be joined, except claims for mesne profits, arrears of rent, double value, or damages, O. 18, r. 2.

Several causes of action may be joined, but if joinder inconvenient, separate trials may be ordered, O. 18, r. 1.

Defendant may apply for an order confining the action to such causes as can be conveniently disposed of together, O. 18, r. 8.

Order may exclude any cause of action and direct amendments, O. 18, r. 9.

Trustee in bankruptcy, claims by, shall not, unless by leave, be joined with other claims, O. 18, r. 3.

Joinder of Issue—

Delivered, shall be, within four days, O. 23, r. 3.

Forms, E. secs. 1, 2.

No pleading, other than joinder, allowed after reply without leave, and then only on terms, O. 23, r. 2.

Operate, shall, as a denial of every material allegation, but may except and thus admit facts, O. 19, r. 18.

Pleadings shall upon joinder be deemed to be closed, O. 23, r. 5.

Reply or subsequent pleading may join issue, O. 19, r. 18.

Joinder of Parties—

A. Plaintiffs; B. Defendants; C. Change of and adding Parties.

A. Plaintiffs.

All persons may be joined in whom right to relief is alleged to exist, O. 16, r. 1.

Alternatively claiming relief, O. 16, r. 1.

Chancery administration proceedings and for execution of trusts, plaintiffs in; see ADMINISTRATION AND EXECUTION OF TRUSTS (*parties*).

Counterclaim or set-off, defendant may establish, notwithstanding misjoinder of a plaintiff, O. 16, r. 3.

Doubt as to proper plaintiffs, O. 16, r. 2.

Executors or administrators may sue without joining beneficiaries, O. 16, r. 8.

Firms; see that title.

Infants may sue by their next friends, O. 16, r. 16.

Jointly claiming relief, O. 16, r. 1.

Judgment may be given for plaintiffs entitled, without any amendment, O. 16, r. 1.

Costs of wrongly joining plaintiffs shall be defendant's costs, O. 16, r. 1.

Lunatics may sue by their committee or next friend, O. 16, r. 17.

Married women may sue as provided by the Married Women's Property Act, 1882, O. 16, r. 16.

Mortgagor in possession may sue in his own name only, § 25 (5).

Joinder of Parties (*continued*).*A. Plaintiffs (continued).*

Partners suing as firms ; see PARTNERS.

Probate actions, in, old rules preserved, O. 16, r. 10.

Representative parties, O. 16, r. 9.

Appointment of person to represent heir, next of kin, or class, O. 16, r. 32.

Severally claiming relief, O. 16, r. 1.

Trustee may sue without joining beneficiaries, O. 16 r. 8.

Unsound mind, persons of, may sue by their committee or next friend, O. 16, r. 17.

B. Defendants.

All persons may be joined against whom right to relief is alleged to exist, O. 16, r. 4.

But need not be all interested as to the relief prayed, O. 16, r. 5.

Alternatively liable, O. 16, r. 4.

Chancery administration proceedings and for execution of trusts, defendants in ; see ADMINISTRATION AND EXECUTION OF TRUSTS (*parties*).

Claiming contribution, etc., against co-defendant : see CONTRIBUTION.

Claiming contribution, etc., against third party ; see THIRD PARTIES.

Doubt, joinder of several defendants in case of, O. 16, r. 7.

Embarrassed, defendant shall not be, by being required to attend proceedings in which he has no interest. O. 16, r. 5.

Executors or administrators may be sued without joining beneficiaries, O. 16, r. 8.

Firms ; see that title.

Infants may defend by their guardians, O. 16, r. 16.

Jointly liable, O. 16, r. 4.

Jointly and severally liable O. 16, r. 6.

Judgment may be given against defendants liable, without any amendment, O. 16, r. 4.

Lunatics may defend by their committees or guardians, O. 16, r. 17.

Joinder of Parties (*continued*).

B. Defendants (continued).

Married women may be sued as provided by the Married Women's Property Act, 1882, O. 16, r. 16.

Partners sued as firms; see PARTNERS.

Probate actions, old rules preserved, O. 16, r. 10.

Protection against embarrassment, or undue expense, where defendant not interested in all the relief prayed for, O. 16, r. 5.

Representative defendants, O. 16, r. 9.

Appointment of person to represent heir, next of kin, or class, O. 16, r. 32.

Severally liable, O. 16, r. 4.

Severally and jointly liable, O. 16, r. 6.

Third parties; see that title.

Trustees may be sued without joining beneficiaries, O. 16, r. 8.

Unsound mind, persons of, may defend by their committees or guardians, O. 16, r. 17.

C. Change of and adding Parties.

Adding or substituting plaintiffs, O. 16, r. 2.

Adding plaintiffs who ought to have been joined, O. 16, r. 11.

Application may be made at any time before trial, O. 16, r. 12.

Consent of person to be added is requisite, O. 16, r. 11.

Adding defendants, O. 16, r. 11.

Application may be made at any time before trial, O. 16, r. 12.

Amended copy writ shall be filed and served, O. 16, r. 13.

Proceedings deemed to commence against added defendant only on such service, O. 16, r. 11.

Adding new parties on marriage, death, or bankruptcy, O. 17, r. 2.

Assignment, creation, or devolution of any estate or title *pendente lite* shall not render action defective, O. 17, r. 1.

Joinder of Parties (*continued*).*C. Change of and adding Parties (continued).*

Continued, action may be, by or against the person
to or on whom the estate or title has devolved

O. 17, r. 3.

Misjoinder shall not defeat cause or matter, O. 16, r. 11.

Counterclaim or set-off, defendant may establish
same notwithstanding misjoinder of a plaintiff,

O. 16, r. 3.

Striking out improper parties, O. 16, r. 11.

Application may be made at any time before or
at trial, O. 16, r. 12.

New parties may be joined by order obtained *ex-parte*,
O. 17, r. 4.

Appearance: party served shall be bound to appear,
O. 17, r. 5.

Memorandum on entry of appearance, A. part II.,
No. 6.

Discharging or varying order within twelve days
from service, O. 17, r. 6.

In case of disability, O. 17, r. 7.

Order shall be served, and, unless discharged or
varied, shall be binding, O. 17, r. 5.

But shall have no force as against a person
under disability (other than coverture).
and not having a guardian *ad litem*,
until twelve days after one is appointed,
O. 17, r. 7.

Non-joinder shall not defeat cause or matter, O. 16.
r. 11.

And see *ADDING supra*.

Substituting plaintiffs or defendants; see *ADDING
supra*.

Joint and Several—

See **JOINDER OF CAUSES OF ACTION—JOINDER OF PARTIES.**

Judges—

See **COURT OF APPEAL—HIGH COURT OF JUSTICE.**

Judgment—

A. Default of Appearance; B. Under Order 14; C. Default of Defence; D. At Trial or Hearing; E. Interlocutory Judgment; F. Motion for Judgment; G. Form and Entry; H. Setting aside; I. Generally.

A. Default of Appearance.

Account, in actions for, an order for the account claimed with all necessary inquiries and directions, shall be made, O. 15, r. 1.

Affidavit of service shall be filed, O. 13, r. 2.

Damages, in actions for, interlocutory judgment may be entered and writ of inquiry issued, but damages may be ordered to be otherwise ascertained, O. 13, r. 5.

Several defendants, some appearing, some not, O. 13 r. 6.

Where writ also indorsed with a liquidated demand. O. 13, r. 7.

Form of interlocutory judgment ... F. 2.

Final after assessment of damages F. 4.

Final for the liquidated demand ... F. 1.

Debt or liquidated demand, where action for, plaintiff may enter final judgment, O. 13, r. 3.

Form of judgment, F. 1.

Several defendants, some appearing, some not, plaintiff may enter final judgment against those who have not appeared, without prejudice to his right to proceed against the others, O. 13, r. 4.

Where writ also indorsed with a claim for detention of goods or damages, plaintiff may enter final judgment for the liquidated claim, and interlocutory judgment for the other claims, O. 13 r. 7.

Detention of goods, in action for, interlocutory judgment may be entered, and writ of inquiry issued, but value may be ordered to be otherwise ascertained, O. 13, r. 5.

Several defendants, some appearing, some not, O. 13, r. 6.

Judgment (*continued*).*A. Default of Appearance (continued).*

Where writ indorsed with a liquidated demand,
O. 13, r. 7.

Form of interlocutory judgment ... F. 2.

Final after assessment of damages F. 4.

Final for the liquidated demand ... F. 1.

District registry, judgment shall not be entered in, where defendant has the option of appearing in London, until after such time as a letter posted in due time the previous evening ought in due course of post to have reached plaintiff, O. 13, r. 11.

Land, in action for recovery of, plaintiff may enter judgment, O. 13, r. 8.

Form of judgment, F. 3.

Where mesne profits or damages also claimed, plaintiff may enter judgment for the land and proceed for the residue, O. 13, r. 9.

B. Under Order 14.

Affidavit on application for judgment notwithstanding appearance, O. 14, r. 1.

Served, copy shall be, with the summons and copy of the exhibits, O. 14, r. 2.

Defence on the merits, or facts entitling defendant to defend, must be shown by affidavit or otherwise, O. 14, r. 1.

Affidavit shall state whether defence is to whole or what part of claim, O. 14, r. 3.

Money into court, defendant may offer to bring, except in actions for recovery of land, O. 14, r. 3.

Undefended part of claim, plaintiff shall have judgment for, O. 14, r. 4.

Examination of defendant or officer of defendant corporation on oath, O. 14, r. 3.

Judgment, form of, F. 5.

Land, in action by landlord against tenant for recovery of, with or without rent or mesne profits, application for judgment may be made, O. 14, r. 1.

Judgment (*continued*).

B. Under Order 14 (continued).

Order for judgment where defendant fails to show defence on merits, or facts entitling him to defend, O. 14, r. 1.

Forms of orders, K. 6 to K. 9.

Pleading, defence must be delivered within eight days after order, unless otherwise ordered, O. 22, r. 3.

Production of leases, deeds, books, or documents by defendant may be ordered, O. 14, r. 3.

Security may be ordered, O. 14, r. 6.

Several defendants, some may be permitted to defend, others not, O. 14, r. 5.

Specially indorsed, writ of summons must be, O. 14, r. 1.

Summons shall be returnable not less than four clear days after service, O. 14, r. 2.

Copy affidavit and exhibits shall accompany copy summons served, O. 14, r. 1.

Terms may be imposed, O. 14, r. 6.

Trial, terms as to time and mode of, may be imposed in cases triable without a jury, O. 14, r. 6.

C. Default of Defence.

Debt or liquidated demand, claim being for, plaintiff may enter final judgment, O. 27, r. 2.

Form of judgment, F. 1.

Several defendants, one making default, plaintiff may enter judgment and issue execution against him and proceed against the others, O. 27, r. 3.

Where defence goes to a severable part only of plaintiff's claim, O. 27, r. 9.

Where plaintiff's claim is also for detention of goods and damages, O. 27, r. 6.

Detention of goods or damages, claim being for, plaintiff may enter interlocutory judgment and issue writ of inquiry, or damages may, by order, be ascertained in any other way, O. 27, r. 4.

Several defendants, one making default, plaintiff may enter interlocutory judgment against him and proceed against others, and damages against

Judgment (*continued*).*C. Default of Defence (continued).*

defendant in default shall be ascertained at the trial, unless otherwise ordered, O. 27, r. 5.

Where defence goes to a severable part only of plaintiff's claim, O. 27, r. 9.

Where plaintiff's claim is also for a liquidated demand, O. 27, r. 6.

Form of interlocutory judgment ... F. 2.

Final after assessment of damages F. 4.

Final for the liquidated demand ... F. 1.

Land, action for, plaintiff may enter judgment, O. 27, r. 7.

Other actions, in, plaintiff may set down action on motion for judgment, O. 27, r. 11.

Mesne profits, arrears of rent, double value or damages, plaintiff may enter judgment against defaulting defendant, and proceed as in r. 4 and 5; O. 27, r. 8.

Third parties, in default by, opposite party may apply for judgment, O. 27, r. 14.

D. At Trial or Hearing.

Associate or master shall enter findings, and directions as to judgment, and judge's certificates, O. 36, r. 41.

Certificate of, shall be an authority to officer to enter judgment, O. 36, r. 42.

Form of certificate shall be B. 17, with any requisite variation, O. 36, r. 42.

Defendant, judgment may be given for, if balance is in his favor, or he be entitled thereto on the merits, O. 21, r. 17.

Entitled to judgment of dismissal if plaintiff fails to appear at the trial, and may prove his counter-claim (if any), O. 36, r. 32.

Either party, judgment may be ordered to be entered for, O. 36, r. 39.

May apply to set aside judgment on terms, where obtained in his absence, O. 36, r. 33.

Forms of judgment in appendix F. shall be used, with any requisite variation, O. 41, r. 1.

Judgment (*continued*).*D. At Trial or Hearing (continued).*

Trial by court without jury	...	...	...	F. 11.
„ judge with jury	...	...	...	F. 7.
„ „ without jury	...	...	...	F. 6.
„ referee	...	...	...	F. 8.
„ „ of questions of account	...	...	...	F. 9.

Further consideration, case may be adjourned for, O. 36, r. 39.

Leave any party to move for judgment, the judge may, O. 36, r. 29.

Order necessary to entitle party to enter judgment after a trial, O. 36, r. 39.

Setting aside, on terms, judgment obtained by one in the absence of the other party, O. 36, r. 33.

E. Interlocutory Judgment.

Default of appearance in action for detention of goods or damages O. 13, r. 5.

Several defendants, some appearing, some not, O. 13, r. 6.

Where writ also indorsed, with a liquidated demand, O. 13, r. 7.

Default of defence in action for detention of goods or damages, O. 27, r. 4.

Several defendants, some defending, some not, O. 27, r. 5.

Where plaintiff's claim is also for a liquidated demand, O. 27, r. 6.

Defence answering part only of claim, O. 27, r. 9.

Judgment, form of, F. 2.

F. Motion for Judgment.

Accounts and inquiries may be directed to be taken and made, O. 40, r. 10.

Admissions of fact, any party may apply at any stage, and without waiting for the determination of other questions, for such judgment or order thereon as he is entitled to, O. 32, r. 6.

Judgment (*continued*).*E. Motion for Judgment (continued).*

Default of defence, setting down on motion for judgment, O. 27, r. 11.

Where several defendants, O. 27, r. 12.

Further consideration, motion may be ordered to stand over for, O. 40, r. 10.

Inferences of fact may be drawn not inconsistent with the finding of the jury, O. 40, r. 10.

Issues and questions may be directed to be tried, O. 40, r. 10.

Judgment may be given if court has all necessary materials, O. 40, r. 10.

Form of judgment, F. 10.

Judgment of the court shall be obtained on motion for judgment, except where otherwise provided, O. 40, r. 1.

Setting down and giving notice of motion by plaintiff where judgment not directed at trial, O. 40, r. 2.

Form of judgment, F. 17.

By defendant on plaintiff's default for ten days, O. 40, r. 2.

By plaintiff after trial of issues or questions of fact, O. 40, r. 7.

Form of judgment, F. 18.

By defendant on plaintiff's default for ten days, O. 40, r. 7.

Where trial of some issues has rendered trial of others unnecessary, leave required, O. 40, r. 8.

Time, action shall not be set down on motion for judgment after one year, except by leave, O. 40, r. 9.

G. Form and Entry.

Ante-dated, judgment may be, by special leave, O. 41, r. 3.

Consent of defendant to order to enter judgment shall be given by his solicitor or agent, O. 41, r. 9.

Where defendant has not appeared or has appeared in person, consent must be given in person before the judge, or be attested by a solicitor, except where defendant is a barrister, conveyancer, special pleader, or solicitor, O. 41, r. 10.

Judgment (*continued*).*G. Form and Entry (continued).*

Date, shall be date when pronounced in court, O. 41, r. 3.

In other cases, shall be date when the requisite documents are left with the officer, O. 41, r. 4.

Death between verdict and judgment, judgment may be entered notwithstanding, O. 17, r. 1.

District registry, in cause or matter in, judgment shall be entered there, O. 35, r. 1.

If directed to be entered in London, same shall be entered in the central office, O. 35, r. 3.

Copy shall be transmitted to the D. R., O. 35, r. 3.

Effect of judgment if pronounced in court shall be from that date, unless otherwise ordered, O. 41, r. 3.

In other cases judgment shall take effect from date when the requisite documents for entry are left with the officer, O. 41, r. 4.

Entered, shall be, in a book, O. 41, r. 1.

If in London in the Q. B. D., in the central office, O. 41, r. 2.

Forms of judgment in appendix F. shall be used, with any requisite variation, O. 41, r. 1.

Acceptance of money paid into court ... F. 16.

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Default of appearance and defence:—

Demand liquidated ... F. 1.

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Trial by court without jury ... F. 11.

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Nunc pro tunc, entry of judgment, upon memorandum,
without an order of course, O. 52, r. 15.

Officer shall examine document on which judgment is
entered, and ascertain its regularity, O. 41, r. 6.

Pleadings, copy of the, shall be delivered to the
officer, O. 41, r. 1.

Production of order, certificate, or return, entitling
the party to judgment shall be a sufficient
authority to the officer, O. 41, r. 7.

Post-dated, judgment may be, by special leave, O. 41, r. 3.

Settling and passing in Ch. Div.; see CHANCERY
REGISTRARS.

Trial, judgment shall not be entered after, without the
order of the court or a judge, O. 36, r. 39.

Judge's direction shall be evidenced by the asso-
ciate's or master's certificate, O. 36, r. 42.

H. Setting aside.

Default of pleading, any judgment by, O. 27, r. 15.

Of appearance, O. 13, r. 10.

Trial, one party only appearing, O. 36, r. 33.

Judgment wrongly entered by judge, O. 40, rr. 3, 4, 5.

Trial by referee, and judgment wrong on findings, O. 40, r. 6.

I. Generally.

Act required by judgment to be done, may, on disobedience,
be directed to be done by some other person at the
cost of the disobedient party, O. 42, r. 30.

Memorandum to be endorsed on copy judgment
served, O. 41, r. 5.

Time within which act is to be done shall be stated,
O. 41, r. 5.

Appeal; see that title.

Conditional judgment; noncompliance with condition

Judgment (*continued*).

I. Generally (continued).

amounts to a waiver of judgment so far as beneficial to party waiving, and any other party may take such proceedings as judgment warrants, or as he might have taken if no such judgment made, unless otherwise directed, O. 42, r. 2.

Consent of defendant to order for judgment shall be given by his solicitor or agent, O. 41, r. 9.

When defendant has not appeared, or has appeared in person, O. 41, r. 10.

Costs, fixed sum may be allowed on judgment for costs, O. 65, r. 27, reg. 38.

Counterclaim, judgment for defendant on any, O. 21, r. 17.

Declaratory judgment, action or proceeding shall not be open to objection on the ground that a, merely is sought for, O. 25, r. 5.

Demand of obedience is unnecessary ; person is bound to obey judgment on being served therewith, O. 42, r. 1.

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Form of judgment, F. 14.

Enforcing judgment ; see EXECUTION.

Enrolment unnecessary, O. 61, r. 8.

Errors from accidents or clerical mistakes may be corrected on motion or summons, O. 28, r. 11.

Interpleader, judgment in, shall be final, except where otherwise provided by statute, and unless by special leave of court, judge, or C. A., O. 57, r. 11.

"Judgment" includes decree, § 100.

Judicial opinion, advice, or direction ; see that title.

Notice of judgment may be directed to be served on persons interested, in actions for administration or execution of trusts, O. 16, r. 40.

Appearance, person served may attend proceedings on entering an, O. 16, r. 41.

Liberty to attend, order for, unnecessary, O. 16, r. 41.

Memorandum of service shall be entered on due proof by affidavit, O. 16, r. 42.

Form of memorandum, G. 26.

Judgment (*continued*).*I. Generally (continued).*

Memorandum (G. 28) shall be indorsed on notice served, O. 16, r. 43.

Served on infant or person of unsound mind, shall be, as a writ of summons, O. 16, r. 44.

Guardian *ad litem* may be ordered to be appointed, O. 55, r. 27.

Vary, discharge, or add to judgment or order, person served with notice may apply to, within one month, O. 16, r. 40.

Order may be enforced as a judgment, O. 42, r. 24.

Registrar, judgments and office of, transferred to central office, ‡ 6.

Registration cannot be made after 2 p.m., O. 61, r. 22.

Report of referee may be enforced as a judgment, § 58.

Search for, by officer and certificate of result, O. 61, r. 23.

Service of judgment where person directed to pay money or do any act, O. 42, r. 1.

How effected ; see SERVICE OF WRITS, ORDERS AND DOCUMENTS.

Necessary before certain sequestrations can issue, O. 43, r. 6.

Third parties, judgments against ; see THIRD PARTIES.

Year, letter, and number shall be marked, O. 61, r. 19.

Judgment Debtor—

Committal, form of order K. 48.

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Examination of, as to debts, property, and means, O. 42, r. 32.

Form of order for examination as to debts ... K. 38.

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Payment of debt by instalments, form of order ... K. 47.

And see DEBTORS ACT—EXECUTION.

Judicature Acts—

Commencement, sec. 2 of Act of 1874 ; §§ 2 ; † 2 ; ‡ 2.

Construction, §§ 1 ; †† 1 ; ‡ 1.

Short title, § 1 ; §§ 1 ; † 1 ; †† 1 ; ‡ 1 ; § 8.

Judicial Opinion, Advice, or Direction under Trustees' Relief Act, 1859—

Costs shall be the same as are payable under the rules, O. 65, r. 26.

Petition or summons shall be served seven days before hearing, unless by consent, O. 52, r. 21.

Statement to be left in chambers, and subsequently transmitted to the registrar, and filed, O. 52, r. 20.

Judge's opinion, advice, or direction, shall be passed and entered as an order, O. 52, r. 22.

Title and form of petition, summons, affidavit, etc., O. 52, r. 19.

Judicial Committee of the Privy Council—

Admiralty appeals, transferred to Court of Appeal, § 18.

Ecclesiastical causes, assessors in, order in council, Nov. 1876.

Lunacy appeals transferred to Court of Appeal, § 18.

Juries—

See JURY.

Jurisdiction—

Admiralty and equity jurisdiction may be conferred on inferior courts, § 88; and see INFERIOR COURT.

Bankruptcy, not transferred to High Court, §§ 9.

Court of Appeal, jurisdiction of; see COURT OF APPEAL, C.

High Court of Justice, jurisdiction of, its divisions, divisional courts, and judges; see HIGH COURT OF JUSTICE, C.

Referees, jurisdiction of; see REFEREES, OFFICIAL AND SPECIAL.

Transfer of jurisdiction; see TRANSFER.

Writ for service out of; see WRIT OF SUMMONS, I.

Jury—

Addresses to, how regulated, O. 36, r. 36.

Associate or master shall enter findings, O. 36, r. 41.

Costs follow event, unless otherwise ordered, O. 65, r. 1.

Inspection of property or thing by, O. 50, rr. 5, 3.

Taking of samples and making of experiments, for purposes of, O. 50, rr. 3, 5.

Jury (*continued*).

Judge's direction upon the law, and as to the evidence, shall be proper and complete, §§ 22.

Judgment, after trial by; see JUDGMENT, D.

Law relating to juries not affected by Act, §§ 20.

New trial; see that title.

Rules of R. G. H. T. 1853 as to juries not repealed; paragraph preceding O. 1, and appendix O. (16).

Special jury:—

Plaintiff may give notice of, with his notice of trial, where he is entitled to a trial by jury, O. 36, r. 7 (*b*).

Defendant, similarly entitled, may give notice for, at any time after pleadings closed or issues settled, and before notice of trial, or not less than six days before day of trial, O. 36, r. 7 (*c*).

Order for trial by, may be made at any time on terms, O. 36, r. 7 (*d*).

Trial, right to a, by jury, §§ 22.

In what cases, O. 36, r. 2.

Chancery causes and matters shall be tried without a jury, unless otherwise ordered, O. 36, r. 3.

Issues or questions of fact which could before the Act, without consent, have been tried without a jury, may be directed to be so tried, O. 36, r. 4.

Referee, causes and matters which cannot conveniently be tried before a jury, may be tried before a, § 57.

Requiring prolonged examination of documents or accounts, or scientific or local investigation, may be directed to be tried without a jury, O. 36, r. 5.

Trial with a jury in other cases may be ordered on application of any party, O. 36, r. 6.

Sittings in London and Middlesex shall be continuous as far as practicable, § 30.

Trial with a jury shall be held by a single judge, unless otherwise specially ordered, O. 36, r. 9.

Justices—

See COURT OF APPEAL—HIGH COURT OF JUSTICE.

L

Lancaster, County Palatine of—

See COUNTY PALATINE OF LANCASTER.

Land, Action to recover—

Appearance by landlord, by leave, O. 12, r. 25.

Appearance shall state that he appears as landlord,
O. 12, r. 26.

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Appearance may be limited, O. 12, r. 28.

Form of limited appearance, A. part II., No. 4.

Form of notice thereof shall be A., part II., No. 3, with
any requisite variation, O. 12, r. 29.

Default of appearance, plaintiff may sign judgment on,
O. 13, r. 8.

Form of judgment, F. 3.

Where mesne profits or damages also claimed, O. 13, r. 9.

Default of defence by defendant, plaintiff may sign judgment
for possession and costs, O. 27, r. 7.

Where defence answers a severable part only of plaintiff's
claim, O. 27, r. 9.

Where mesne profits, arrears of rent, double value or
damages claimed, O. 27, r. 8.

Execution on judgment for the recovery of land may be by
writ of possession, O. 42, r. 5.

Writ of possession may issue to enforce such judgment,
O. 47, r. 1.

Form H. 8.

Affidavit must be filed showing service of and disobedience to judgment or order, O. 47, r. 2.

Joinder of causes of action, none except mesne profits, arrears
of rent, double value or damages, unless by leave,
O. 18, r. 2.

Land, Action to recover (*continued*).

Mortgagor may sue in his own name for possession of, or trespass to land, etc., where mortgagee has not given notice to take possession, § 25 (5).

Order 14 applied to actions for the recovery of land by landlord against tenant, O. 14, r. 1.

Partition, actions as to, assigned to Ch. Div., § 34.

Pleadings, defendant in possession need not plead his title unless equitable, but may plead that he is in possession, and rely on any defence that he can prove, O. 21, r. 21.

Such a plea implies a denial of the facts alleged in the statement of claim, O. 21, r. 21.

Pleadings, forms of:—

Claim, statement of, landlord *v.* tenant C. sec. 7, No. 1.

Landlord *v.* tenant for repairs ... C. sec. 5, No. 9.

Heir-at-law *v.* stranger ... C. sec. 7, No. 2.

Defence, recovery of land ... D. sec. 7.

Specific performance, actions as to, assigned to Ch. Div., § 34.

Writ of summons, service of, in case of vacant possession, O. 9, r. 9.

Indorsements of claim on ... A. part III., sec. 4, No. 28

Mesne profits " " ... " " 76.

Law—

Assignment of debts and choses in action, with notice in writing to debtor shall be effectual in law, § 25 (6).

Debtor may interplead or pay debt into court, if assignment disputed, § 25 (6).

Collision, in cases of, between ships where both to blame, rules of Admiralty Court shall prevail, § 25, (9).

Conflict or variance between equity and law, in cases of, rules of equity shall prevail, § 25 (11).

Contract, stipulations not of the essence of, shall be construed as in equity, § 25 (7).

This applies from the commencement of the Act, §§ 10.

Declarations of right may be made, whether consequential relief is or could be claimed or not, O. 25, r. 5.

Declaratory judgment or order, action shall not be objected to on the ground that a, only is claimed, O. 25, r. 5.

Law (*continued*).

Infants, in questions relating to the custody of, rules of equity shall prevail, § 25 (10).

Inferior court, power to grant similar relief and remedies as in H. C., § 89.

Injunctions; see that title.

Legal rights and claims shall be recognised by the Supreme Court, § 24 (6).

All just remedies in respect thereof shall be granted, § 24 (7).

Legal rules enacted in Act shall receive effect in all courts whatever, § 91.

Merger by operation of law, where beneficial interest is not merged, abolished, § 25 (4).

Mortgagor may sue alone for possession of, or trespass to land, etc., where mortgagee has not given notice to take possession, § 25 (5).

Multiplicity of suits and proceedings shall be avoided, § 24 (7).

And see EQUITABLE RIGHTS, RELIEF AND RULES.

Law and Equity—

See LAW—EQUITABLE RIGHTS, RELIEF AND RULES.

Law, Questions of—

See SPECIAL CASE.

Leave to Defend, where Writ specially indorsed—

See JUDGMENT, B.

Legal Estates and Rights—

See LAW.

Legatee—

Executor, administrator or trustee, entitled thereto, may have a judgment or order for administration or execution of trusts against any one legatee, O. 16, r. 38.

Interest at four per cent shall be computed on legacies from one year after death, where any judgment or order is made directing an account of legacies, unless otherwise directed by the will, O. 55, r. 64.

Legatee (*continued*).

Judgment or order for administration, legatee entitled thereto, may have same without serving any other legatee, O. 16, r. 34.

So also may a residuary legatee, O. 16, r. 33.

Originating summons in Ch. Div., legatee may take out, as of course, for determination of questions or matters affecting administration, O. 55, r. 3.

Also for a general administration order, O. 55, r. 4.

Libel and Slander—

Particulars of matters intended to be given in evidence in mitigation of damages may be delivered seven days before trial, O. 36, r. 37.

In default, such evidence shall not be admitted, unless by leave, O. 36, r. 37.

Payment into court may not be made with a defence denying liability, O. 22, r. 1.

Pleadings: defence, form of, E. sec. 3, No. 2.

Trial by jury, right of either party to a, O. 36, r. 2.

Writ of summons, indorsement of claim on:—

Libel	...	...	...	A. part III., sec. 4, No. 24.
Slander	...	...	...	" " " 25.

Lien—

Damages or costs may be set-off between parties notwithstanding solicitor's lien, O. 65, r. 14.

Delivery of the property on payment of the amount claimed into court, O. 50, r. 8.

Pleadings: form of statement of claim in an action for sale and distribution subject to a lien or charge, C. sec. 2, No. 8.

Lights, Obstruction of—

Pleadings, forms of:—

Claim, statement of	...	...	...	C. sec. 6, No. 10.
Defence	...	...	...	D. sec. 6.

Writ of summons, indorsement of claim on, A. part III., sec. 4 No. 64.

Limitations, Statutes of—

Inapplicable to express trusts, § 25 (2).

Renewal of writ of summons to prevent operation of,
O. 8, r. 1.

Liquidators—

Accounts of, shall be passed and verified as is directed by
O. 50 as to receivers accounts, O. 50, r. 23.

Local Venues—

Abolition of, except statutory, O. 36, r. 1.

London and Middlesex—

Entry for trial shall be within six days after notice of trial,
or notice shall be no longer in force, O. 36, r. 16.

Where party giving notice omits to enter next day, the
party receiving the notice may enter within four
days, O. 36, r. 20.

Judge sitting in London or Middlesex shall be deemed to
constitute a court of the H. C., § 30.

Lists, separate, of trials in Q. B. D. with, and without juries,
shall be prepared, and the trials on each list allotted
without reference to any other list, O. 36, r. 29.

Place of trial shall be Middlesex unless otherwise named or
ordered, O. 36, r. 1.

New trial, notice of motion for, shall be served within eight
days after trial, O. 39, r. 4.

Notice of trial shall not be or operate for any particular
sittings, but shall be deemed to be for any day after ex-
piry of notice on which trial can come on, O. 36,
r. 17.

Sittings for trials by jury shall be held before judges of Q. B. D.
§ 37.

Judge of P. D. and A. Div., any, appointed after the passing
of the Judicature Act, 1875, shall share in this duty
so far as the state of business in his division will
permit, §§ 8.

Sittings shall be held continuously throughout the year by as
many judges as the business renders necessary, § 30.

London and Middlesex (*continued*).

Trials in London shall be held at the Royal Courts of Justice ;
order in council, 22nd May, 1883.

Trials in Q. B. D. shall be at such times and in such courts as
L. C. J. may arrange, O. 36, r. 29.

Vacation applications shall be heard in London or Middle-
sex, O. 63, r. 11. And see VACATIONS.

Long Vacation—

Commences 10th August, ends 24th October, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Pleadings shall not be amended or delivered in the, unless so
directed, O. 64, r. 4.

Time of the, shall not be reckoned in the times for pleadings,
unless otherwise directed, O. 64, r. 5.

Lord of Appeal in Ordinary—

Appointment, pension, privileges, qualification, rank, salary,
and tenure of office, † 6.

Lord Chancellor, The—

Accounts of money or property in court may be regulated by
L. C. by order, §§ 24.

Council of judges, powers of the L. C., in relation to the, § 75.

Court of appeal, the L. C. shall be an *ex officio* judge of, §§ 4.

Extraordinary duties and powers of the L. C., provisions as to,
§ 12.

Great seal, provision as to the, when in commission, § 98.

High Court of Justice, the L. C. shall not be a permanent
judge of the, §§ 3.

Interpretation of the term " Lord Chancellor " when used in
the Act, § 100.

Judge of the C. A., L. C. may request any, to sit as judge of
the H. C., § 51.

Oaths to be taken by the L. C., §§ 5.

Officers of the courts, powers of the L. C. in relation to :

Central office, appointments to on vacancy, † 9.

Chancery officers shall continue to perform duties required
in aid of any duty of the L. C., § 94.

Lord Chancellor, The (*continued*).

Commissioners to administer oaths in the Supreme Court shall be appointed by the L. C., § 84.

May, with consent of Treasury, increase salary of an existing officer whose duties are increased by the Act, § 77

May, with concurrence of the Treasury, abolish or alter the office of any officer upon a vacancy, § 77; §§ 34.

Officers attached to the Supreme Court generally, or the H. C., or the C. A., shall be appointed by the L. C., § 84.

Powers, in respect of officers of the Common Pleas at Lancaster, now vested in the chancellor of the duchy, to be hereafter exercised by the L. C., § 78.

Removal of any officer of the Supreme Court, sanction of the L. C. requisite, § 84.

Royal Courts of Justice, appointment of persons to keep order and charged with care and cleaning, §§ 23.

Salary, concurrence of L. C. requisite to determination by Treasury of amount, § 85.

Shall determine, subject to the Act, what officers shall be attached to the Supreme Court, § 84.

And see OFFICERS.

Official referees, powers of the L. C. in respect to the appointment of, § 83.

Concurrence of L. C. requisite, in the determination by the Treasury of salaries to be paid to official referees, § 85.

Paymaster General, power of the L. C. to make rules concerning the, preserved, §§ 24; and see § 4.

President of the C. A., the L. C. shall be, the §§ 6; and of the H. C., § 5; and of the Ch. Div. of the H. C., § 31.

Rolls court chambers and clerks, powers to L. C. to make orders as to, §§ 7.

Rules of court; see that title.

Salary of, § 13; how payable, § 15.

Saving clause as to the L. C., § 94.

Vacancy in office of, rules how read, O. 72, r. 3.

Vacation judge, the L. C. shall not be liable to serve as a, O. 63, r. 11.

Writs shall be tested in name of the L. C., O. 2, r. 8.

And see COURT OF APPEAL, B—HIGH COURT OF JUSTICE., B.

Lord Chief Baron—

Abolition of office of, order in council, 16th Dec. 1880.

Lord Chief Justice of England, The—

Central office, patronage as to, ‡ 9.

Council of judges, powers of L. C. J. in relation to the, § 75.

Extraordinary duties and powers of the L. C. J., § 12.

Judge of the H. C., L. C. J. shall be a, § 5 ; and *ex-officio* of the Court of Appeal, §§ 4.

Office of the L. C. J. may be abolished on vacancy, § 32.

Officers of Supreme Court, powers in respect to, § 84.

Official referees, powers in respect to appointment, &c., of, § 83.

Pension of, § 14 ; how payable, § 15.

Precedence of, §§ 6.

President of the H. C., in the absence of L. C., § 5.

President of the Q. B. D., § 31.

Rules of court, powers of, in respect to ; see RULES OF COURT.

Salary of, § 13 ; how payable, § 15.

Statutory powers of Chief Justices of Common Pleas and Exchequer vested in L. C. J., ‡ 25.

Successors of, may continue to be appointed, § 5 ; but office may be abolished on vacancy, § 32.

Vacancy in office of, rules how read, O. 72, r. 3.

Writs shall be tested in the name of the L. C. J. if office of L. C. be vacant, O. 2. r. 8.

And see COURT OF APPEAL, B—HIGH COURT OF JUSTICE, B.

Lord Chief Justice of the Common Pleas, The—

Abolition of office of, order in council, 16th Dec. 1880.

Lord Mayor of London—

Presentation and swearing of, shall be in Q. B. D., ‡ 17.

Lord Mayor's Court—

Form of *fi. fa.* on judgment removed from, H. 15.

Lord of the Manor—

Limited inspection of court rolls may be ordered on application of copyhold tenant, O. 31, r. 19.

Lord Treasurer—

Act shall not affect office of, except that Lord Treasurer shall not exercise judicial functions, § 97.

Lord Warden of the Stannaries—

Jurisdiction of, as judge, transferred to Court of Appeal, § 18.

Lords Justices, The—

Jurisdiction in lunacy not transferred to H. C., § 17.

Shall be exercised by such judges as H. M. may appoint,
§§ 7.

Lost Writ—

Copy may be ordered to be sealed and served in lieu of the original writ, O. 8, r. 3.

Lunacy—

Appeals in, transferred to C. A., § 18.

Jurisdiction in, not transferred to H. C., § 17.

Shall be exercised by such judges as H. M. may appoint,
§§ 7.

Officers in, provision as to salary and pensions, † 21.

And see LUNATIC.

Lunatic and Person of Unsound Mind—

Action, lunatics and persons of unsound mind may sue by their committee or next friend and defend by their committee or guardian, O. 16, r. 17.

Next friend's authority to solicitor shall be signed and filed before his name is used, O. 16, r. 20.

Appeals to House of Lords, time allowed for, S. O. 1.

Default of appearance by person of unsound mind, appointment of guardian *ad litem* on application of plaintiff, O. 13, r. 1.

Evidence, effect of consent as to mode of taking, O. 16, r. 21.

Guardian *ad litem* may be directed to be appointed when person *non compos* is served with notice of judgment or order, O. 55, r. 27.

House of Lords, time for appeal to, S. O. 1.

Jurisdiction of Lords Justices; see LUNACY.

Lunatic and Person of Unsound Mind (*continued*).

Notice of judgment or order served on a person of unsound mind, shall be served as a writ is served, O. 16, r. 44 ; and see JUDGMENT, I.

Parties : application to discharge order adding person under disability as a party, but having a guardian *ad litem*, O. 17, r. 6.

Having no guardian *ad litem*, O. 17, r. 7.

Payment into court, by order, of money recovered in Q. B. D. by a person *non compos*, and investment thereof, O. 22, r. 15.

Sale, transfer, and payment out thereof, and of dividends thereof, O. 22, r. 16.

Pleadings : allegations not denied are not taken as admitted as against lunatics or persons of unsound mind, O. 19, r. 13.

Secretary to visitors of lunatics, abolition of office of, §§ 31.

Solicitor appointed guardian *ad litem* of a person *non compos*, costs of, may be directed to be paid by parties to cause or matter, or out of any fund in court, O. 65, r. 13.

Special case where lunatic or person of unsound mind a party shall not be set down without leave, O. 34, r. 4.

Order must be produced on setting down, O. 34, r. 5.

Writ of summons, service on, O. 9, r. 5.

And see LUNACY.

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Maintenance of Infants—

See INFANTS.

Malice—

In pleadings may be alleged as a fact without setting out the circumstances, O. 19, r. 22.

Malicious Prosecution—

Claim, form of statement of, C. sec. 6, No. 15.

Trial by jury, right of either party to a, O. 36, r. 2.

Writ of summons, indorsement of claim on, A. part III. sec. 4,
No. 8.

Mandamus—

A. Generally; B. Action for; C. Prerogative Mandamus.

A. Generally.

Contempt, proceedings for, on disobedience of judgment or order for *mandamus*, O. 42, r. 30.

Interlocutory order for, may be granted in all cases in which it shall appear to be just or convenient, and either unconditionally or on terms, § 25 (8).

Application by plaintiff may be *ex-parte* or with notice, and by any other party, on notice to plaintiff, after appearance, O. 50, r. 6.

Judgment or order for, may be enforced by attachment or committal, O. 42, r. 7.

Where disobeyed, court or judge may, besides or instead of proceedings for contempt, direct the act to be done by the other party, or by some other person, at the cost of the disobedient party, and the expenses may be ascertained and execution issue for same and costs, O. 42, r. 30.

B. Action for.

Claim for, to command the fulfilment of any duty in which plaintiff is personally interested, shall be indorsed on the writ of summons, O. 53, r. 1.

Form of indorsement shall be A. part III, sec. 4,
No. 74; O. 53, r. 2.

Judgment for plaintiff may command defendant, either forthwith, or at such time and on such terms as may be just, to perform the duty in question, O. 53, r. 3.

Judgment or order for, in an action, shall have the same effect as writ of *mandamus* formerly had, O. 53, r. 4.

Time for performance of the duty may be extended,
O. 53, r. 3.

Mandamus (*continued*).*B. Actions for (continued).*

Writ of *mandamus*, shall not be issued in an action,
O. 53, r. 4.

Judgment or order shall have the same effect as,
O. 53, r. 4.

And see MANDAMUS, *A. Generally, supra.*

C. Prerogative Mandamus.

Action or proceeding, no, shall lie against any person for anything done in obedience to a writ of *mandamus*,
O. 53, r. 12.

Affidavits, rules of O. 38 applied, O. 68, r. 2.

Amendment, rules of O. 28 applied, O. 68, r. 2.

Application shall be made in the Q. B. D. according to the practice heretofore in use, O. 53, r. 5.

Copies, rules of O. 66 applied, O. 68, r. 2 (*h*).

Costs, rules of O. 65 applied, O. 68, r. 2.

Execution, shall, subject to rules, be had as in an action,
O. 53, r. 9.

Interpleader, where a proceeding by way of, be proper, the provisions of O. 57 shall be applicable, O. 53, r. 15.

Judgment shall, subject to rules, be as if in an action,
O. 53, r. 9.

Shall be given on a point of law raised, and where there is no issue of fact, without any notice therefor, O. 53, r. 10.

Motions, rules of O. 52 applied, O. 68, r. 2.

Non-compliance, rules of O. 70 applied, O. 68, r. 2.

Notices, etc., rules of O. 66 applied, O. 68, r. 2.

Office copies, rules of O. 66 applied, O. 68, r. 2 (*h*).

Order may be enforced in the same manner as a judgment, O. 53, r. 15; O. 42, r. 24.

Paper, rules of O. 66 applied, O. 68, r. 2 (*h*).

Peremptory, writ may be ordered to be, in the first instance, O. 53, r. 6.

Applicant is entitled to a peremptory writ where he has obtained judgment under rr. 9 or 10;
O. 53, r. 11.

Mandamus (*continued*).*C. Prerogative Mandamus (continued).*

Pleadings shall, subject to rules, be as if in an action,
O. 53, r. 9.

Point of law, where raised, and there is no issue of fact,
court shall give judgment without any motion there-
for, O. 53, r. 10.

Printing, rules of O. 66 applied, O. 68, r. 2 (*h*).

Respondent claiming no interest in subject matter, or his
functions appearing to be merely ministerial, return
and subsequent proceedings may, by leave, be made
by and in the name of the persons really interested,
O. 53, r. 13.

Abate, proceedings shall not, on death of nominal
respondent, O. 53, r. 14.

Peremptory writ shall be directed to his successor,
O. 53, r. 14.

Return, where compellable, shall be made to the first
writ, O. 53, r. 8.

May be pleaded to, in time and manner as a defence
to an action, O. 53, r. 9.

Time may be allowed for, with or without terms,
O. 53, r. 7.

Special case, rules of O. 34 applied, O. 68, r. 2.

Time, rules of O. 64 applied, O. 68, r. 2.

Trial shall, subject to rules, be had as in an action
O. 53, r. 9.

Writ of *mandamus*, no action or proceeding shall lie in
respect of anything done in obedience to, O. 53, r.
12.

Date shall be day when issued, O. 53, r. 7.

Form shall be J. 12, with any requisite variation,
O. 53, r. 7.

Præcipe for, G. 15.

Returnable, writ may be, forthwith, or time may be
allowed, with or without terms, O. 53, r. 7.

Tested, shall be, in the name of the L. C
O. 53, r. 7.

And see **MANDAMUS**, *A. Generally, supra.*

Marine Policy—

See UNDERWRITERS.

Marriage—

Cause or matter shall not abate by reason of marriage, if cause of action survive, O. 17, r. 1.

Husband may by order be joined or served with notice and terms imposed, O. 17, r. 2.

Defence of coverture, form of, D. sec. 4.

Infants being wards of court, marriage of; see INFANTS.

And see BREACH OF PROMISE—MARRIED WOMAN.

Married Woman—

Acknowledgments of deeds by; see that title.

Action, married women may sue and be sued as provided by the Married Women's Property Act, 1882, O. 16, r. 16.

Appeals to H. L., time for, S. O. 1.

Claims by or against husband and wife may be joined with claims by or against either of them separately, O. 18, r. 4.

Execution shall not be issued by or against a husband upon a judgment or order for or against a wife without leave, O. 42, r. 23 (*b*).

Issues or questions necessary to determine the rights of the parties may be tried and terms imposed, O. 42, r. 23.

Special case to which married woman is a party (not in respect of her separate property or rights) shall not be set down without leave, O. 34, r. 4.

Evidence in support of application for leave, must show that the statements in special case are true, O. 34, r. 4.

Order giving leave must be produced to the officer on setting down the case, O. 34, r. 5.

Writ of summons shall be served on husband and wife where both are defendants, unless otherwise ordered, O. 9, r. 3.

And see MARRIAGE.

Marshal, Judges'—

Act shall not interfere with office of, § 77.

Master—

A. Office of; B. Powers, Duties and Jurisdiction of; C Assignment of Actions to; D. Rota and Attendance of.

A. Office of.

Amalgamation in central office, ‡ 5.

Interpretation of term when used in rules, O. 71, r. 1.

Masters of the Supreme Court, who are, ‡ 8.

Rank, ‡ 14.

Registrar of bills of sale, masters are the, O. 61, r. 25.

Salaries, ‡ 8 (2).

Substitution of office of master, for certain offices, O. 60, r. 3.

Vacancy in office of master shall not be filled up until number reduced to eighteen, ‡ 8 (3).

B. Powers, Duties and Jurisdiction of.

Central office shall be under control of the masters, ‡ 7.

Master shall control and direct business of, O. 61, r. 2.

Debtors' Act, summonses under, shall be heard by master, who may make any order as to payment by instalments, but if it is a case for committal, shall adjourn the summons to a judge, O. 54, r. 19.

Chambers, jurisdiction of masters at, and matters excluded therefrom, O. 54, r. 12.

Application, every, shall be heard by master to whom action assigned, O. 5, r. 6.

Appeal from, to judge, O. 54, r. 21.

No stay, unless so ordered, O. 54, r. 22.

Power to refer matter to the judge, O. 54, r. 20.

Forms used in central office, power to prescribe, add to, and modify, O. 61, r. 33.

Oaths, power to administer, O. 61, r. 5.

Order of reference to master, form of, K. 34.

Power of masters, or any four of them, with consent of the Bank of England, to modify, by way of addition or substitution, the regulations in appendix M. as to payment into and out of court, O. 22, r. 13.

Taxation of costs in an action in Q. B. D., shall be by master to whom action is assigned, O. 5, r. 6.

Trial, master present at, shall take note of times of com-

Master (*continued*).*B. Powers, Duties, and Jurisdiction of (continued).*

mencement and termination, for communication to taxing officer, O. 36, r. 40.

C. Assignment of Actions to.

Action not proceeding in a D. R., every, shall be assigned to a master, O. 5, r. 6.

Application first made shall be marked by the master with his name, and the cause or matter shall thereupon become assigned to him, O. 54, r. 17.

Application, every, which is to be heard and dealt with by a master, shall be heard and dealt with by the master to whom same is assigned, O. 5, r. 6.

Documents and proceedings, all, shall be marked with the name of the master to whom action is assigned, O. 5, r. 6.

Taxation of costs, shall be by master to whom action is assigned, O. 5, r. 6.

Transfer, L. C. J. may, all or any number of actions from one to any other master, O. 5, r. 7.

Vacancy, vacation, or absence from illness or other urgent cause, any other master may hear any application on behalf of master to whom action assigned, O. 5, r. 8.

D. Rota and Attendance of.

Central office, selection of five masters from a *rota* fixed by themselves, to be present at and to control business of, and give directions on questions of practice or procedure, O. 61, r. 2.

Each selected master shall discharge such duty daily for not less than a month at a time, O. 61, r. 2.

Arrangements shall be publicly announced as L. C. J. shall direct, O. 61, r. 4.

Chambers, *rota* of masters for attendance at, shall be submitted to and approved by L. C. J. before Christmas vacation in each year, O. 54, r. 13.

Master (*continued*).*D. Rota and Attendance of (continued).*

Selection of six masters from the *rota* to attend as masters at chambers in each sittings, O. 54, r. 13.

Selection by these six masters of three of their number to sit every Monday, Wednesday, and Friday throughout the sittings; the remaining three shall sit on Tuesday, Thursday and Saturday, O. 54, r. 14.

Each selected master shall occupy the same room and take all applications proper to be heard by a master, O. 54, r. 15.

Alphabetical division of actions may be made by the masters, O. 54, r. 15.

Arrangements shall be publicly announced as L. C. J. shall direct, O. 54, r. 16.

Taxation of costs, selection of masters for, from a *rota* fixed by themselves, O. 61, r. 3.

Sufficient number, not less than three, shall attend daily, O. 54, r. 3.

Vacation, in, one master shall attend daily, O. 54, r. 3.

Arrangements shall be publicly announced as L. C. J. shall direct, O. 61, r. 4.

Urgent applications on days when master is not sitting at chambers, shall be taken by him in his own room, O. 54, r. 18.

Master of the Rolls, The—

Central office, patronage of M. R. in respect to, † 9.

Circuit, liability to go, †† 2.

Existing M. R., saving of rights and obligations of, § 11; †† 2.

Extraordinary duties and powers of M. R., § 12.

Judge of the C. A. only, †† 2.

Office of the M. R. may be abolished on vacancy, § 32.

Officers attached to the Ch. Div. heretofore appointed by the M. R. shall continue, while so attached, to be appointed by him, § 84; and see OFFICERS.

Master of the Rolls, The (*continued*).

Patronage, §§ 2.

Pension of, § 14; how payable, § 15; saving as to, §§ 2.

Powers, privileges and disqualifications, saving as to, §§ 2.

Precedence of, §§ 6.

Rank and title, §§ 2.

Salary of, § 13; how payable, § 15; saving as to, §§ 2.

Successors of, may continue to be appointed, § 5; but office may be abolished on vacancy, § 32.

And see COURT OF APPEAL, B—HIGH COURT OF JUSTICE, B

Matrimonial Causes—

Rules shall not apply, save as expressly provided, O. 68, r. 1.

Matter—

Interpretation of the term when used in Act, § 100.

Matter arising pending Action—

Defence arising after action may be raised in defence, O. 24, r. 1.

If defence already delivered, or time for delivery has expired, defendant may within eight days after the matter has arisen, or subsequently by leave, deliver a further defence, O. 24, r. 2.

Plaintiff may confess defence and sign judgment for his costs unless otherwise ordered, O. 24, r. 3.

Form of confession may be B. 5, with any requisite variation, O. 24, r. 3.

Reply to set off or counterclaim raising defence thereto which has arisen since defence delivered, O. 24, r. 1.

If reply already delivered, or time for delivery has already expired, plaintiff may within eight days after the matter has arisen, or subsequently by leave, deliver a further reply, O. 24, r. 2.

Mayor's Court—

Form of *fi. fa.* on judgment removed from, H. 15.

Merger—

By operation of law only, where beneficial interest is not merged, abolition of, § 25 (4).

Mesne Profits—

See LAND, ACTION TO RECOVER.

Michaelmas—

Sittings, commence 2nd November, end 21st December, O. 63,
r. 1.

Both days inclusive, O. 63, r. 5.

Middlesex and London—

See LONDON AND MIDDLESEX.

Misdirection—

New trial shall not be granted on ground of, unless some
substantial wrong has been thereby occasioned, O. 39, r. 6.

Misjoinder—

Cause or matter shall not be thereby defeated, O. 16, r. 11.

Counterclaim or set-off may be established by defendant notwithstanding misjoinder of a plaintiff, O. 16, r. 3.

Striking out improper parties, O. 16, r. 11.

Application may be made before or at trial, O. 16, r. 12.

Mistake—

Amendment of defects or errors in any proceeding, O. 28, r. 12.

Non-compliance with rules shall not render proceedings void,
O. 70, r. 1.

Orders and judgments, correction of clerical mistakes in, and
of errors from accidental slips or omissions, O. 28, r. 11.

And see AMENDMENT—IRREGULARITY—SETTING ASIDE

Modes of Trial—

See TRIAL, A.

Money into Court—

See PAYMENT INTO AND OUT OF COURT.

Money Received—

Claim, statement of, form of ... C. sec. 4, No. 2

Writ of summons, form of indorsement of claim where no
special indorsement ... A. part III., sec. 2, No. 24

Special indorsement ... C. sec. 4, No. 2

Month—

Means calendar month in rules or documents of legal procedure, O. 64, r. 1.

Mortgage—

Foreclosure actions assigned to Ch. Div., § 34.

Indorsement of claim on writ, A. part III, sec. 1, No. 4.

Pleadings, forms of:—

Claim, statement of C. sec. 2, No. 5.

Defence D. sec. 2, No. 1.

By alleged prior incumbrancer „ „ 2.

Mortgagee's right to costs out of estate or fund preserved, where he has not unreasonably instituted, carried on, or resisted any proceedings, O. 65, r. 1.

Mortgagor may sue in his own name only for possession of, or trespass to land, where mortgagee has not given notice to take possession, § 25 (5).

Redemption, actions for, assigned to Ch. Div., § 34.

Indorsement of claim on writ, A. part III. sec. 1, No. 5.

Pleadings, forms of:—

Claim, statement of C. sec. 2, No. 6.

Defence D. sec. 2, No. 2.

Motion—

Adjourned, hearing of motion may be, O. 52, r. 7.

To give notice thereof to parties not served, O. 52, r. 6.

Admiralty; see ADMIRALTY ACTION.

Affidavit on which *ex-parte* order is founded shall be produced or filed at the time of motion, or, except by leave, order shall be of no force, O. 38, r. 19.

Appeal judge, application to, shall be by motion, O. 58, r. 18.

Applications to divisional courts, or to a judge in court shall be by motion, O. 52, r. 1.

Costs of improper appearance and attendance at chambers or in court shall not be allowed unless expressly directed, O. 65, r. 27, reg. 23.

Dismissal or adjournment of motion where proper parties not served, O. 52, r. 6.

Motion (*continued*).

Ex parte order may be obtained where authorised by existing practice, or where delay might entail irreparable or serious mischief, O. 52, r. 3.

Power to impose terms as to costs, O. 52, r. 3.

Setting aside *ex parte* order on application of party affected, O. 52, r. 3.

Form of notice of motion, B. 18.

Judgment, motion for ; see JUDGMENT, F.

New trial, motion for ; see that title.

Notice of motion shall be given, except where *ex parte* motion authorised by existing practice or these rules, O. 52, r. 3.

Failure to serve all proper parties entails dismissal or adjournment, O. 52, r. 6.

Grounds shall be stated where motion is to set aside, etc., an award for an attachment, or to strike off the rolls, and copy affidavit on which motion is to be made shall be served with the notice of motion, O. 52, r. 4.

Pauper's, shall be signed by his solicitor, O. 16, r. 29.

Served, shall be, two clear days before the hearing, unless special leave to the contrary be given, O. 52, r. 5.

May be served by plaintiff, by special leave, with the writ, or before the time limited for appearance, O. 52, r. 9.

May be served by plaintiff without special leave, on any defendant who has been served, and has not appeared, and whose time for appearance has expired, O. 52, r. 8.

Served, shall be, ten clear days before the hearing, where the motion is to answer matters in an affidavit, or to strike off the rolls, O. 52, r. 5.

Rules *nisi* or orders to show cause shall not be granted, O. 52, r. 2.

Except where same may be moved for notwithstanding r. 2 ; O. 53, r. 3.

Setting aside order obtained *ex-parte*, O. 52, r. 3.

Motion for Judgment--

See JUDGMENT, F.

Motion for New Trial—

See NEW TRIAL, MOTION FOR.

Multiplicity of Proceedings—

Shall be avoided, § 24 (7).

N

Ne exeat regno—

Affidavits, copies shall be furnished on request, O. 66, r. 7

Nessecaries for Ship—

Form of statement of claim, C. sec. 3, No. 4.

Form of defence, D. sec. 3, No. 4.

Negligence—

Chambers, failure of party to attend summons by reason of negligence bars the reconsideration of a proceeding taken *ex-parte* in default, O. 54, r. 6.

Costs properly incurred, which prove fruitless by reason of negligence, may be ordered to be disallowed to the solicitor, who may further be ordered to repay to client costs paid by client to any other person, O. 65, r. 11.

Incurred by negligence, are to be disallowed, O. 65, r. 27, reg. 29.

Solicitor neglecting to attend trial, or to deliver papers for use of court may be ordered to pay costs, O. 65, r. 5.

Taxing master shall look into and may disallow costs incurred by negligence, O. 65, r. 27, reg. 20.

Pleadings, forms of:—

Claim, statement of,

Client <i>v.</i> solicitor	...	...	C. sec. 5, No. 8.
Lord Campbell's Act	...	...	C. sec. 6, No. 4.
Negligent driving	...	...	" " 3.
Passenger <i>v.</i> railway company	...	C. sec. 5, No. 7.	

Negligence (*continued*).

Defence ... D. sec. 5, Nos. 1 to 10; D. sec. 6.

Taxation of costs may proceed notwithstanding neglect of other party to bring in or tax his costs, O. 65, r. 27, reg. 28.

Party guilty of neglect before taxing master may be ordered to pay costs, O. 65, r. 27, reg. 55.

Writs of summons, forms of indorsement of claim:—

Bailment of goods ...	...	A. part III., sec. 4, No. 12.
Custody of goods ...	...	" " 11, 13.
Hire of goods ...	...	" " 13.
Injury in driving ...	...	" " 43.
Lord Campbell's Act ...	...	" " 46.
Medical man ...	...	" " 41.
Railway ...	...	" " 44.
Railway station ...	...	" " 45.
Solicitor ...	...	" " 10.

New Assignment—

Shall not be necessary, or used, but matter may be introduced by amendment of claim, or by reply, O. 23, r. 6.

New Trial, Motion for—

Application shall be by notice of motion, and no rule *nisi* or order to show cause shall be made, O. 39, r. 3.

Further consideration, motion may be ordered to stand over for, O. 40, r. 10.

Inferences of fact may be drawn not inconsistent with the finding of the jury, O. 40, r. 10.

Issues and questions may be directed to be tried, and accounts and enquiries taken, O. 40, r. 10.

Judge shall not sit on motion, where cause or matter tried with a jury before himself, O. 39, r. 2.

Judge of P. D. and A. Div. shall (where practicable) sit on motion in that division, O. 39, r. 1.

Judgment in the action may be given on the motion, if the court has all necessary materials, O. 40, r. 10.

May be given as to part of the matter in controversy, or as to some only of the parties, and a new trial directed as to the other part or parties, O. 39, r. 6.

New Trial, Motion for (*continued*).

Motion shall be made :—

In P. D. and A. causes and matters where there has been a trial with a jury to a divisional court of that division, O. 39, r. 1.

In other causes and matters where there has been a trial with a jury, to a divisional court of the Q. B. D., O. 39, r. 1.

Where there has been a trial without a jury, by appeal to the C. A., O. 39, r. 1.

Notice of motion shall state grounds, and whether all or part only of the verdict or findings is complained of, O. 39, r. 3. Amended, may be, by leave, on terms, O. 39, r. 5.

Shall be an eight days' notice, and shall be served, (*a*) if the trial took place in London or Middlesex, within eight days after the trial; (*b*) if the trial took place elsewhere, within seven days after the last day of sitting on the circuit, O. 39, r. 4.

Time of the vacations shall not be reckoned in the computation of these times, O. 39, r. 4.

New trial may be ordered on any question without interfering with finding or decision on any other question, O. 39, r. 7.

New trial shall not be granted, (*a*) for mis-direction or the improper admission or rejection of evidence, or (*b*) because the verdict was not taken upon a question which the judge was not asked to leave to the jury, unless some substantial wrong or miscarriage has been thereby occasioned, O. 39, r. 6.

Where part only of the matter in controversy has been affected, or some only of the parties, final judgment may be given as to part or some of the parties, and a new trial directed as to the other part or parties, O. 39, r. 6.

Stamp on any document, new trial shall not be granted by reason of the ruling on any question as to, O. 39, r. 8.

Next Friend—

Authority to solicitor shall be signed and filed before next friend's name is used, O. 16, r. 20.

Next Friend (*continued*).

Consent in writing requisite before being added as a party,

O. 16, r. 11.

Effect of consent as to mode of giving evidence, O. 16, r. 21.

Infant may sue by, O. 16, r. 16 ; and see INFANT.

Next of Kin—

Appointment of person to represent, where right depends on the construction of an instrument, and next of kin unknown, or difficult to ascertain, O. 16, r. 32.

Executor, administrator or trustee, entitled thereto, may have judgment or order for administration or execution of trusts against any one next of kin, O. 16, r. 38.

Judgment or order for administration, next of kin entitled thereto may have same without serving the remaining next of kin, O. 16 r. 33.

Originating summons in Ch. Div., next of kin may take out, as of course, for determination of questions or matters affecting administration, O. 55, r. 3.

Also for a general administration order, O. 55, r. 4.

Nisi Prius—

See ASSIZES—LONDON & MIDDLESEX—TRIAL.

Non-compliance with Rules—

Shall not render proceedings void, O. 70, r. 1.

Non-compos—

See LUNATIC.

Non-joinder—

Plaintiffs: adding or substituting, O. 16, r. 2.

Adding plaintiffs who ought to have been joined, O. 16, r. 11.

Application may be made at any time before or at trial O. 16, r. 12.

Consent in writing requisite, O. 16, r. 11.

Defendants: adding, O. 16, r. 11.

Application may be made at any time before or at trial, O. 16, r. 12.

Non-joinder (*continued*).

Amended copy writ shall be filed and served, O. 16, r. 13.

Proceedings shall be deemed to have commenced
against added defendant only on such service,
O. 16, r. 11.

And see JOINDER OF PARTIES.

Not Guilty by Statute—

Saving as to plea and defence of, O. 19, r. 12.

No other defence to the same cause of action without leave, *ib.*

Notice—

Address for service after removal of cause or matter to London
from D. R., O. 35, r. 18.

Admission of whole or part of opponent's case, O. 32, r. 1.

Admit documents, notice to, O. 32, r. 2.

Form of notice shall be B. 11, with any requisite variation,
O. 32, r. 3.

Affidavit made or filed before issue joined, notice of intention
to use at trial, O. 37, r. 24.

Notice of intention to use, in support of chamber application
in Ch. Div., O. 38, r. 20.

Appeal, notice of, O. 58, r. 1.

Appearance, notice of, shall be given, O. 12, r. 9.

Form of notice, A. part II., No. 2; O. 12, r. 9.

Bail in admiralty action, notice of ... A. part II. No. 10.

Præcipe for „ „ 9.

Chamber application in Ch. Div., notice of intention to use
affidavit in support of any, O. 38, r. 20.

Charging stock, O. 46, r. 4.

Form of notice shall be B. 22, with any requisite variation,
O. 46, r. 4.

Withdrawal of notice, O. 46, r. 9.

Chose in action, notice of assignment, § 25 (6).

Creditor, notice (L. 4) to produce documents in support of his
claim in administration action, O. 55, r. 50.

Allowance of claim, notice of (L. 7); O. 55, r. 56.

Prove claim, notice to, (L. 8); O. 55, r. 56.

That cheques receivable, (L. 9); O. 55, r. 60.

Notice (*continued*).

Cross-appeal, notice upon, O. 58, r. 6.

Cross-examination of deponent, where evidence given by affidavit, notice for, O. 38, r. 28.

Form, B. 20.

Crown side of Q. B. D., rules of O. 66 as to notices applied to. O. 68, r. 2.

Discontinuance of action, notice by plaintiff of, O. 26, r. 1.

Form of notice, B. 19.

Equitable relief claimed by a defendant against any person, notice of, § 24 (3).

Evidence taken in another cause or matter, notice to read, O. 37, r. 3.

Execution, notice of renewal of, O. 42, r. 20.

Form, B. 21.

Facts, notice to admit, O. 32, r. 4.

Form shall be B. 12, with any requisite variation, O. 32, r. 5.

Form of notice of admissions, B. 13.

Forms :—

Admissions of fact	...	...	...	B. 13.
Admit documents	...	...	...	B. 11.
Facts	...	...	...	B. 12.
Appearance, entry of	...	...	A. part II, No. 2.	
Bail in admiralty action	...	...	„	„ 10.
Charging stock or shares	...	...	...	B. 22.
Counter-claim, to appear to	...	...	...	B. 2.
Creditor to produce documents in support of claim	L. 4.			
Allowance of claim	...	...	...	L. 7.
Cheques receivable	...	...	...	L. 9.
Prove claim	...	...	...	L. 8.
Cross-examination of deponent	...	...	...	B. 20.
Discontinuance	...	...	...	B. 19.
Execution, renewal of	...	...	...	B. 21.
Further consideration, cause in Ch. Div. set down				
for	...	...	...	L. 27
Inspect documents	...	...	...	B. 10.
Land, limited defence in action for	...	A. part II.	No. :	
Motion	...	...	...	B. 18.

Notice (*continued*).

- | | | | | | |
|----------------------------|-----|-----|-----|-----|--------|
| Payment into court | ... | ... | ... | ... | B. 3. |
| Acceptance by plaintiff | ... | ... | ... | ... | B. 4. |
| Produce documents at trial | ... | ... | ... | ... | B. 14. |
| For inspection | ... | ... | ... | ... | B. 9. |
| Third party | ... | ... | ... | ... | B. 1. |
| Trial | ... | ... | ... | ... | B. 16. |
- Writ of summons, notice in lieu of service :—
- | | | | | |
|-------------------|-----|-----|-----|--------------------|
| Central office | ... | ... | ... | A. part I., No. 9. |
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- Further consideration, notice that cause in Ch. Div. has been set down for, O. 36, r. 21.
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Admitted, any person may be, to sue or defend as a pauper on
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Paymaster General—

Apportionment of fund, or computation of interest, may be directed to be certified by chief clerk and acted upon by paymaster general, O. 55, r. 18.

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Funds in other divisions may be directed to be transferred and paid to paymaster general on behalf of Supreme Court, § 3.

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Notice (B. 4), or reply accepting the money, shall be given by plaintiff, O. 22, r. 6 (b).

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Payment out shall thereupon be made to plaintiff on his request, or to his solicitor on his written authority, unless otherwise ordered, O. 22, r. 6 (b).

Accounts and forms may be altered, §§ 24.

Admiralty actions, not in a D. R., money paid into court in, shall be paid to the account of the admiralty registrar at the Bank of England, O. 22, r. 19.

Applications *ex parte* for payment or transfer out of court, shall be made by summons, O. 54, r. 2.

Bond, in an action on a, payment into court shall be admissible to particular breaches only, O. 22, r. 1.

Chancery Div. payment into and out of court, and money in court, shall be subject to rules under the Chancery Funds Act, 1872, O. 22, r. 12.

Consolidated actions, where money is paid into court in, and

Payment into and out of Court (*continued*).

plaintiff fails at trial in one, the money paid in and the costs in all the actions shall be dealt with as in the action tried, O. 22, r. 8.

Counter claim, payment into court may be made in a, O. 22, r. 9.

Debts and choses in action, payment into court where assignment thereof disputed, § 25 (6).

Defendant may pay into court before or with defence; and afterwards by leave, O. 22, r. 1.

Notice shall be given by defendant to plaintiff where paid in before defence, O. 22, r. 4.

Form of notice shall be B. 3, with any requisite variation, O. 22, r. 4.

Payment in shall be signified in the defence and the cause of action specified, O. 22, r. 2.

Form of defence, D. sec. 4; E. sec. 2.

May be made with defence denying liability (except in libel or slander), O. 22, r. 1.

Enforcing judgment for payment into court by sequestration or attachment, O. 42, r. 4.

Funds in Ch. Div. shall be vested in paymaster general on behalf of Supreme Court, and be subject to rules, § 2.

Funds in other divisions may be directed to be transferred and paid to paymaster general on behalf of Supreme Court, § 3.

Garnishee, payment into court by, O. 45, r. 3.

Investments of cash in court, O. 22, r. 17.

Application for conversion shall be served on the trustee and such other persons as the court or judge think fit, O. 22, r. 18.

Judgment for plaintiff's costs after acceptance by him, and non-payment by defendant within forty-eight hours after taxation, O. 22, r. 7.

Form of judgment, F. 16.

Leave to defend to specially indorsed writ, payment in court for, O. 14, r. 3.

Libel or slander, payment into court in, may not be made with a defence denying liability, O. 22, r. 1.

Payment into and out of Court (*continued.*)

Lien, payment into court of amount of, and delivery up of property, O. 50, r. 8.

Notice of acceptance by plaintiff of money paid in by defendant, O. 22, r. 7.

Form of notice shall be B. 4, O. 22, r. 7.

Notice of payment in by defendant, where before defence, O. 22, r. 4.

Form shall be B. 3, with any requisite variation, O. 22, r. 4.

Order for payment into or out of court shall be drawn up in conformity with rules under the Chancery Funds Act, O. 62, r. 16.

Order of court or judge, or certificate of master or associate, money paid into court under a, shall not be paid out except by order, O. 22, r. 11.

Money paid into court under O. 14 may be appropriated by defendant in his defence, and thereupon shall become subject to the rules applicable thereto, O. 22, r. 11.

Pay office of the Supreme Court, one only, § 1.

Payment in under certificate of master or associate must be expressly authorised in such certificate, O. 22, r. 10.

Payment out to plaintiff on request or to his solicitor on plaintiff's written authority, unless otherwise ordered, may be made (*a*) where paid in before defence; (*b*) where liability is not denied; (*c*), when paid in with a defence of tender, O. 22, r. 5.

Pleaded, payment into court must be in the defence, O. 22, r. 2.

Queen's Bench Division, money paid into court in, shall be paid into the Bank of England, O. 22, r. 13.

Regulations in appendix M. shall apply, O. 22, r. 13.

Infant or person of unsound mind, money recovered by, may be ordered to be paid into court, and same and dividends and interest may be invested, paid out, or transferred to be held on trusts as directed, O. 22, r. 15.

Such money and the securities and dividends shall be sold, transferred or paid out by order, O. 22, r. 16.

Money in court on day when rules come into operation shall be subject to O. 22; O. 22, r. 14.

Payment into and out of Court (*continued*).

Refusal by plaintiff of money paid in with defence denying liability, O. 22, r. 6 (*a*).

Payment out shall not be made without an order, O. 22, r. 6 (*c*).

Plaintiff proceeding and recovering less, application of the money in court, O. 22, r. 6 (*c*).

Regulations in appendix M. apply in Q. B. D., O. 22, r. 13.

May be modified by the masters, with the consent of the Bank of England, O. 22, r. 13.

Remittances by post, § 6.

Rules may be made as to investments and the conversion and transfer of securities, §§ 30.

Sale proceeds paid into court under Act of Parliament, affidavit on application for, must not only verify applicant's title, but must deny, or deny and except, right of other persons, O. 52, r. 18.

Statutory provisions may be altered by rules of court, §§ 24.

Taxation of plaintiff's costs four days after acceptance by him, O. 22, r. 7.

Tender before action, where defence sets up a, the money tendered must be brought into court, O. 22, r. 3.

May be paid out to plaintiff, or to his solicitor on his written authority, unless otherwise ordered, O. 22, r. 5 (*e*).

Validity of payments made by paymaster general pursuant to rules, § 5.

Penal Action—

Leave to compound, shall not be given where part of the penalty goes to the Crown unless notice shall first have been given to the proper officer, O. 50, r. 13.

In other cases it may be given without notice to any officer, O. 50, r. 13.

Order shall expressly state that defendant undertakes to pay the sum for which action compounded, O. 50, r. 14.

Queen's half of the composition shall be paid to master of the crown office, O. 50, r. 15.

Writ of summons, indorsement of character in which plaintiff claims, A. part III., sec. 7, No. 11.

Pending Business—

Assignment of, to the various divisions of the H. C., § 34.

Admiralty, chancery, divorce and probate suits and matters shall be assigned to judge in whose court same is depending, § 42.

Books, documents, and papers transferred to Supreme Court, § 92.

Transfer of, to C. A. and H. C., and how continued and concluded, § 22.

Pension—

Chamber clerks of judges, §§ 35.

Includes retirement and superannuation allowance, § 100.

Judges, § 14.

How payable, § 15.

Reduction in case of vacancy of certain judges, § 32.

Shall grow due from day to day, § 15.

Lords of appeal in ordinary, † 16.

Lunacy officers shall be Supreme Court officers for purposes of pension, † 21.

Officers ; conditions of pension, † 20.

Mode of application for, and proceedings thereon, † 16.

Permanent civil servant, officer shall be deemed to be, for purposes of pension, † 15.

Power to claim pension in lieu of superannuation allowance, † 19 (2).

Professional officer, pension in case of, and power to add years to service, † 17.

Saving as to, in case of officers transferred from old offices, § 77.

Of rights under previous Acts, † 19 (1).

Perishable Goods—

Power to make order for sale of, O. 50, r. 2.

Perpetuating Testimony—

See EVIDENCE, E.

Person—

Includes body corporate or politic, O. 71, r. 1.

Persons under Disability—

See INFANTS—LUNATICS—MARRIED WOMEN.

Personal Representatives—

See EXECUTORS AND ADMINISTRATORS.

Petition—

Answered, where requisite, shall be, in the name of the senior registrar, O. 62, r. 18.

Appeal to C. A. no petition necessary, O. 58, r. 1.

Evidence on any, may be given by affidavit, O. 38, r. 1.

Filed, shall be, in central office, O. 61, r. 31.

House of Lords, petition on appeal to, † 4. And see APPEAL, D.

Judicial opinion, advice, or direction, title of petition for, O. 52, r. 19.

Shall state the facts concisely and be divided into numbered paragraphs, O. 52, r. 19.

Opinion, etc., shall be passed and entered as an order, O. 52, r. 22.

Served, petition shall be, seven clear days before the hearing, unless by consent, O. 52, r. 21.

Office copy shall be ready within forty-eight hours after the bespeak, O. 61, r. 31.

Order shall not be passed until the original petition is filed, O. 61, r. 15.

Orders on petitions of course shall be drawn up, passed, and entered by the registrars, O. 62, r. 18.

Pauper, petition shall not be presented by, except for the discharge of his solicitor, unless signed by his solicitor, O. 16, r. 29.

Solicitor shall take care that no petition is presented, without good cause, O. 16, r. 30.

Printed, need not be, O. 19, r. 9.

Sale proceeds paid into court under statute, petitioner's affidavit shall verify his title and deny, or deny and except, right of any other person, O. 52, r. 18.

Service must be two clear days before hearing, unless by leave, O. 52, r. 17.

Defendants who have been served with writ but have

Petition (*continued*).

not appeared, may be served with any petition without any special leave, O. 52, r. 8.

Statement shall be made at the foot of every petition (not being a petition of course) of persons intended to be served therewith, O. 52, r. 16.

Stop order, petition for, need not be served on unaffected persons, O. 46, r. 13.

Tender of £1 10s. where notice is given to party served that his appearance in court will be objected to, O. 65, r. 27 reg. 19.

Year, letter, and number of the cause or matter, shall be written or stamped on the first page, O. 67, r. 19.

Petitioner—

Includes persons making any application, otherwise than as against a defendant, § 100.

Plaintiff—

Address for service shall be indorsed on writ, O. 4, rr. 1, 2, 3.

Includes every person asking relief against any other person § 100.

Joinder; see JOINDER OF PARTIES, A.

Misjoinder; see JOINDER OF PARTIES, C.

Option of plaintiff to choose division, §§ 11.

Document commencing the cause or matter shall be marked, O. 5, r. 5.

Option of plaintiff to choose judge in chancery cause or matter, subject to rules of court, § 42.

Assigned to and marked by officer of the court, shall be O. 5, r. 9.

Option of plaintiff to issue writ in D. R., except in probate actions, O. 5, r. 1.

Security for costs by; see COSTS, C.

Trial, default of appearance at, O. 36, r. 32.

Plea in Abatement—

Abolition of, O. 19, r. 13

Pleadings—

A. Form, Contents and Effect of; B. Delivery or Filing and Time; C. Amendment; D. Default of Pleading; E. Striking out.

A. Form, Contents and Effect of.

Abatement no plea or defence in shall be pleaded, O. 21, r. 20.

Admission of whole or part of opponent's case, O. 32, r. 1.

Facts not denied shall be taken as admitted, except as against infants, lunatics, and persons *non compos*, O. 19, r. 13.

Facts not admitted where they ought to have been admitted, power to make order as to extra costs, O. 21, r. 9.

Alternative contracts or relations may be alleged, O. 19, r. 24.

Brief, pleadings shall be, O. 19, r. 2.

Close of pleadings on joinder of issue, O. 23, r. 5.

Condition precedent intended to be contested shall be distinctly specified; subject thereto an averment of the performance or occurrence of conditions precedent shall be implied, O. 19, r. 14.

Contract, bare denial of, shall operate as a denial of the fact, not the legality or sufficiency, O. 19, r. 20.

Contract implied from letters or conversations, how pleaded, O. 12, r. 24.

Conversations raising implied contract how pleaded, O. 19, r. 24.

Costs of issues of fact and law shall follow the event, unless otherwise ordered, O. 65, r. 2.

Costs, special allowance may be made, O. 65, r. 27, reg. 1.

Copy to settle shall not be allowed, O. 65, r. 27, reg. 2.

Counsel's reasonable fees to settle are to be allowed, O. 65, r. 27, reg. 15.

Date of pleading, shall be marked on its face, O. 19, r. 11.

Dates shall be expressed in figures, O. 19, r. 4.

Defence	} see those titles.
Demurrer	

Pleadings (*continued*).

A. *Form Contents and Effect of* (*continued*).

Denial: allegations not denied shall be taken as admitted, except as against infants, lunatics, and persons *non compos*, O. 19, r. 13.

Allegations denied or not admitted where they ought to be admitted, power to make order as to extra costs, O. 21, r. 9.

Bare denial of contract shall operate as a denial of the fact, not of the legality or sufficiency. O. 19, r. 20.

Bills of exchange, in actions on, some fact must be denied, *e.g.*, the drawing, O. 21, r. 2.

Contract, fact from which liability arises must be denied, O. 21, r. 3.

Debt, denial of, is inadmissible, O. 21, r. 1.

General denial is insufficient, each allegation must be dealt with specifically, O. 19, r. 17.

Must be substantial not evasive, O. 19, r. 19.

Representative character of party, or constitution of firm, shall be specifically denied, O. 21, r. 5.

Unnecessary as to damages, O. 21, r. 4.

Distinct claims or defences shall be separately stated O. 20, r. 7.

Documents, how pleaded, O. 19, r. 21.

Evidence shall not be pleaded, O. 19, r. 4.

Facts showing illegality must be pleaded, O. 19, r. 15.

Must be dealt with specifically, O. 19, r. 17.

Must be denied substantially and not evasively O. 19, r. 19.

Not denied shall be taken as admitted, except as against infants, lunatics, and persons *non compos*. O. 19, r. 13.

Not admitted where they ought to have been admitted, power to make order as to extra costs. O. 21, r. 9.

Presumed by law to be in party's favour, need not be pleaded unless specifically denied, O. 19 r. 25.

Pleadings (*continued*).

A. *Form, Contents and Effect of (continued)*.

Figures: dates, sums, and numbers shall be expressed in
O. 19, r. 4.

Firms, constitution of, shall be denied specifically,
O. 21, r. 5.

Forms; see STATEMENT OF CLAIM—DEFENCE—REPLY.

Example of a claim, defence and reply, E. sec. 2.

Fraudulent intention may be alleged as a fact without
setting out the circumstances, O. 19, r. 22.

General issue by statute, pleading shall cite statute in
margin, O. 21, r. 19.

Illegality of contract shall be specially pleaded, O. 19,
r. 20.

Implied contract or relation, how pleaded, O. 19, r. 24

Inconsistent pleadings not allowed, O. 19, r. 16.

Indorsed, shall be, with name and address of solicitor or
agent, or party in person, O. 19, r. 11.

Insufficiency of contract must be specially pleaded,
O. 19, r. 20.

Interest in probate action where disputed by plaintiff,
O. 20, r. 9.

Issues may be stated, where issues of fact are not suffi-
ciently defined, O. 33. r. 1.

Joinder of causes	} see those titles.
Joinder of parties	

Knowledge may be alleged as a fact without setting out
the circumstances, O. 19, r. 22.

Land, in action for, defendant in possession need not plead
his title, unless it be equitable, but may plead that
he is in possession and may rely on any defence that
he can prove, O. 21, r. 21.

Such a plea implies a denial of the facts alleged in
the statement of claim, O. 21, r. 21.

Letters raising implied contract may be referred to
generally, O. 19, r. 24.

Malice may be alleged as a fact without setting out the
circumstances, O. 19, r. 22.

Marked, pleadings shall be, with the date, reference,

Pleadings *(continued)*.

A. *Form, Contents and Effect of (continued)*.

division, judge (if any), title, description of pleading,
O. 19, r. 11.

Matters arising pending action may be included in defence,
O. 24, r. 1.

If defence delivered, further defence may be
delivered in eight days, O. 24, r. 2.

Plaintiff may confess defence and sign judgment for
costs, unless otherwise ordered, O. 24, r. 3.

Form of confession may be B. 5, with any
requisite variation, O. 24, r. 3.

New assignment abolished and amendment substituted,
O. 23, r. 6.

New grounds, or inconsistent facts, shall not be raised,
except by way of amendment, O. 19, r. 16.

Not guilty by statute may be pleaded as heretofore, but
no other defence to the same cause of action without
leave, O. 19, r. 12.

Notice may be alleged as a fact, unless the form or precise
terms of the notice, or the circumstances from which
same is inferred, be material, O. 19, r. 23.

Numbers shall be expressed in figures, O. 19, r. 4.

Paragraphs, pleadings shall be in numbered, O. 19, r. 4.

Particulars of fraud, breach of trust, etc., and whenever
necessary, shall be stated, with dates and items, if
necessary, O. 19, r. 6.

Further and better particulars may be ordered, on
terms, O. 19, r. 7.

Particulars of debt, expenses or damages above three
folios and delivered, or to be delivered, may be
referred to, O. 19, r. 6.

And see PARTICULARS.

Partnership firm, constitution of, shall be denied
specifically, O. 21, r. 5.

Payment into court shall be signified, and the claim or
cause specified, O. 22, r. 2.

Preliminary act to be filed in an admiralty collision suit,
O. 19, r. 28.

Pleadings (*continued*).

A. Form, Contents and Effect of (continued).

Presumptions of law need not be pleaded, O. 19, r. 25.

Printed ; pleadings of less than ten folios may, and above ten folios shall, be printed, O. 19, r. 9.

Prohibition, pleadings in, shall be, as nearly as may be, as in an ordinary action for damages, O. 68, r. 3.

Prolixity ; pleadings shall be brief, O. 19, r. 2.

Costs occasioned by prolixity shall be borne by the party chargeable therewith, O. 19, rr. 2, 5.

Longer forms than those in appendices, when same are applicable, shall be deemed prolix, O. 19, r. 5.

Taxing master shall look into and may disallow costs of improper, unnecessary, or prolix pleadings, O. 65, r. 27, reg. 20.

Relief shall be claimed specifically, and may be given, though not asked for, O. 20, r. 6.

Reply ; see that title.

Representative capacity shall be denied specifically, O. 21, r. 5

Signature of counsel unnecessary, but where pleadings have been settled by counsel or pleader, they shall be signed by him ; otherwise by the solicitor, O. 19, r. 4.

Solicitor's name and place of business shall be marked, O. 19, r. 11.

Signature necessary where pleadings not settled by counsel or pleader, O. 19, r. 4.

Statement of account relied on by way of evidence or admission, shall not be pleaded, O. 21, r. 8.

Statement of claim ; see that title.

Stated or settled account shall be alleged with particulars, O. 20, r. 8.

Statute of frauds must be specially pleaded, O. 19, r. 20.

Sums shall be expressed in figures, O. 19, r. 4.

Technical objections for want of form shall not be raised to pleadings, O. 19, r. 26.

Written, pleadings of less than ten folios may be, O. 19, r. 9.

Pleadings (*continued*).

A. *Form, Contents and Effect of (continued)*.

Year, letter, and number of the cause or matter shall be written or stamped on the first page, O. 61, r. 19.

B. *Delivery or Filing and Time*.

Delivered, every pleading shall be, O. 19, r. 10.

Before 6 p.m. (on Saturdays 2 p.m.) or same counts as of next day, O. 64, r. 11.

Filed, shall be, where no appearance entered, O. 19, r. 10.

Date of filing in central office shall be printed or written, O. 61, r. 16.

In D. R. where cause or matter proceeds in D. R., O. 35, r. 19.

Further time, power to grant, even after time expired, O. 64, r. 7.

Costs of more than one extension not allowed unless necessary and unavoidable, O. 65, r. 27, reg. 24.

Defendant appearing after time for appearance, not allowed further time to defend or for any other purpose than if he had appeared in due time, unless otherwise ordered, O. 12, r. 22.

Enlargement of time by consent, without application to the court or a judge, O. 64, r. 8.

Long vacation, pleadings shall not be delivered in unless directed, O. 64, r. 4.

Not counted in computing time, O. 64, r. 5.

Saturday, pleadings must be delivered before 2 p.m., or same counts as of Monday, O. 64, r. 11.

Time; statement of claim shall be delivered in five weeks from defendant's notice requiring same, or not more than six weeks from appearance, unless otherwise ordered, O. 20, r. 1.

In Admiralty actions *in rem*, in twelve days from appearance, O. 20, r. 3.

In Probate actions within six weeks from appearance, but need not be delivered until eight days after defendant's affidavit of scripts filed, O. 20, r. 2.

Pleadings (*continued*).

B. Delivery or Filing and Time (continued).

Defence, shall be delivered in ten days from statement of claim, or time for appearance, whichever shall be last, O. 21, r. 6.

Within eight days from order for leave to defend, unless thereby otherwise limited, O. 21, r. 8.

Reply shall be delivered in admiralty actions within six days and in other actions within twenty-one days, after defence, O. 23, r. 1.

Subsequent pleadings shall be delivered in four days from previous pleading, O. 23, r. 3.

Time does not run between day of service of order for security for costs, and day on which security given, both inclusive, O. 64, r. 6.

C. Amendment.

All amendments necessary to determine real question in controversy, shall be made, O. 28, r. 1.

Application may be to court or judge, or judge at trial and may be allowed on terms, O. 28, r. 6.

Costs of amendment of plaintiff's pleadings shall be defendant's costs in the cause, O. 65, r. 27, reg. 31.

Defendant shall have costs of plaintiff's disallowed amendments, O. 65, r. 27, reg. 32.

Counter-claim, defendant may amend once without leave, before expiration of time for reply, or if no reply, within twenty-eight days from defence, O. 28, r. 3.

Court of Appeal, powers of as to amendment, O. 58, r. 4.

Crown side of Q. B. D., application of rules of O. 28 as to amendment to, O. 68, r. 2.

Date of order and date of amendment shall be marked, O. 28, r. 9.

Delivered shall be to the opposite party within the time allowed for amending, O. 28, r. 10.

Disallowance of amendments on application within eight days, O. 28, r. 4.

Failure to make amendment after leave, O. 28, r. 7.

Pleadings (*continued*).*C. Amendment (continued).*

Failure to plead to amended pleading, party shall be deemed to rely on his original pleading, O. 28, r. 5.

Inconsistent with previous pleading, amendment may be, O. 19, r. 16.

Long vacation, amendments shall not be made in, unless directed, O. 64, r. 4.

New assignment, amendment in lieu of, O. 23, r. 6.

New and inconsistent case may be raised by amendment, O. 19, r. 16.

Opposite party shall plead to amended pleading within his then time, or eight days from amendment, or be deemed to rely on his original pleading, O. 28, r. 5.

Order, form of, K. 10.

Need not be drawn up; notice thereof shall be served, O. 52, r. 14.

Revenue side of Q. B. D., application of rules of O. 28 as to amendment to, O. 68, r. 2.

Statement of claim, plaintiff may amend once without leave, within time for reply, and before reply, or (where no defence) within four weeks from appearance of last defendant, O. 28, r. 2.

Striking out amendment on application within eight days, O. 28, r. 4.

Unnecessary or scandalous matter, or tending to prejudice, embarrass, or delay the fair trial, O. 19, r. 27.

Terms may be imposed on application to amend, O. 28, r. 6.

Time, amendment shall be made within time limited by the order, or, if none limited, within 14 days, otherwise order shall become void, unless extended, O. 28, r. 7. May be enlarged by consent, O. 64, 8.

To plead to amended pleading, shall be the time the party then has, or eight days from amendment, whichever last, O. 28, r. 5.

Written, amendments may be, unless they exceed 144 words in any one place, or are so numerous, or such as to make the document difficult or inconvenient to read, O. 28, r. 8.

Pleadings (*continued*).

D. Default of Pleading.

Claim, statement of, defendant may apply to dismiss action with costs, O. 27, r. 1.

Defence, claim being for debt or liquidated demand, plaintiff may enter final judgment, O. 27, r. 2.

Form of judgment, F. 1.

Several defendants, one making default, plaintiff may enter judgment and issue execution against him, and proceed against the others, O. 27, r. 3.

Defence, claim being for detention of goods or damages, plaintiff may enter interlocutory judgment and issue writ of inquiry, or the damages may, by order, be ascertained in any other way, O. 27, r. 4.

Form of interlocutory judgment, F. 2.

Final judgment after assessment of damages, F. 4.

Several defendants, one making default, plaintiff may enter interlocutory judgment against him, and proceed with his action against the others. Value or damages against the defendant in default shall be ascertained at the trial, unless otherwise ordered, O. 27, r. 5.

Defence, claim being for debt and detention of goods or damages, plaintiff may enter final judgment for the debt, and interlocutory judgment for the damages, and proceed as in rr. 4, 5; O. 27, r. 6.

Defence going to a severable part only of claim, plaintiff may, by leave, enter judgment, but where there is a counterclaim shall not issue execution without leave, O. 27, r. 9.

Issues, on default of pleading, in, opposite party may apply for judgment, O. 27, r. 14.

Land, in default of defence, plaintiff may enter judgment, O. 27, r. 7.

Mesne profits, arrears of rent, double value, or damages, where claimed, plaintiff may enter judgment and proceed as in rr. 4, 5; O. 27, r. 8.

Pleadings (*continued*).*D. Default of Pleading (continued).*

Other actions, in, in default of defence, plaintiff may set action down on motion for judgment, O. 27, r. 11.

Several defendants, in case of, O. 27, r. 12.

Probate actions, in, in default of defence, action may proceed notwithstanding, O. 27, r. 10.

Reply in default of, or subsequent pleading, pleadings shall be deemed closed, and all material facts in last pleading denied, O. 27, r. 13.

Setting aside judgment by default, O. 27, r. 15.

Third parties, on default by, opposite party may apply for judgment, O. 27, r. 14.

E. Striking out.

Amendment, on application of opposite party within eight days, O. 28, r. 4.

Counter claim, where case thereby raised ought to be disposed of in an independent action, O. 21, r. 15.

Defence, on application of defendant, O. 26, r. 1.

For disobedience to order for interrogatories, discovery or inspection, O. 31, r. 21.

Frivolous or vexatious action or defence, O. 25, r. 4.

Parties to action improperly joined, O. 16, r. 11.

Pleading showing no reasonable cause of action or defence, O. 25, r. 4.

Unnecessary or scandalous matter, or tending to prejudice, embarrass, or delay the fair trial, O. 19, r. 27.

Portions—

Actions for raising of, assigned to Ch. Div., § 34.

Statement of claim, form of, C. sec. 2, No. 7.

Writ of summons, form of indorsement on, A. part III, sec. 1, No. 6.

Possession of Ship—

Statement of claim, form of, C. sec. 3, No. 5.

Writ of possession, form of, H. 9.

Writ of summons, forms of indorsement on, A. part III, sec. 6, Nos. 4 to 9.

Possession, Writ of—

Affidavit must be filed showing due service and disobedience of judgment or order, O. 47, r. 2.

Land, writ may issue to enforce judgment for recovery of, O. 42, r. 5.

In manner heretofore used in ejectment, O. 47, r. 1.

Order for leave to issue unnecessary, O. 47, r. 2.

Præcipe, form of, G. 7.

Separate writs may issue for possession and costs, O. 47, r. 3.

Writ, form of, H. 8.

Poundage—

May be levied in every case of execution, O. 42, r. 15.

Practice—

See PROCEDURE.

Præcipe—

Execution shall not issue without *præcipe* being filed, O. 42, r. 12.

Forms in appendix G. shall be used, with any requisite variation, O. 42, r. 12.

Appeal, entry of	...	...	...	...	G. 23.
Argument, entry for	...	...	...	...	G. 24.
Attachment, writ of	...	...	...	...	G. 10.
Bail bond in admiralty action	...	A. part II,	No. 12.		
Caveat release in admiralty action		„	„	17.	
Caveat warrant in admiralty action		„	„	18.	
<i>Certiorari</i> , writ of	...	...	...	...	G. 13.
Commission of appraisement and sale	...	...	...	...	G. 9.
„ of partition	...	...	...	...	G. 18.
„ to examine witnesses	...	...	...	...	G. 17.
Delivery, writ of	...	...	...	...	G. 8.
<i>Distringas</i> against ex-sheriff	...	...	...	...	G. 11.
<i>Elegit</i> , writ of	...	...	...	...	G. 2.
<i>Fi Fa</i> , writ of	...	...	...	...	G. 1.
„ <i>de bonis ecclesiasticis</i>	...	...	...	...	G. 4.
<i>Habeas corpus ad test.</i>	...	...	...	...	G. 16.
Inquiry, writ of	...	...	...	...	G. 12.
<i>Mandamus</i>	...	...	...	...	G. 15.

Præcipe (*continued*).

Memorandum of service of notice of judgment ...	G. 26.
Notice of bail in admiralty action ...	A. part II. No. 9.
Partition, commission of	G. 18.
Possession, writ of	G. 7.
Prohibition, writ of	G. 14.
Release in admiralty action ...	A. part II. No. 15.
Search	G. 27.
<i>Sequestrari facias de bonis ecclesiasticis</i> ...	G. 5.
Sequestration, writ of	G. 6.
Service by admiralty marshal of any instrument <i>in rem</i> other than a warrant ...	A. part I. No. 16.
Special case, entry of	G. 25.
<i>Subpena</i>	G. 21.
Trial, entry of action for	G. 22.
<i>Venditioni exponas</i>	G. 3.
Warrant to arrest in admiralty action	A. part I. No. 15.
Withdrawal of caveat in „ „ „ „	19.
Writ of summons, amended	G. 19.
Renewed,	A. part I., No. 18, G. 20.

Preliminary Act—

In actions for damage by collision between vessels, O. 19,
r. 28.

Prerogative Mandamus—

See MANDAMUS, C.

Preservation of Property—

Bringing amount in dispute into court in action of contract,
O. 50, r. 1.

Application may be made by plaintiff at any time on
his right to order appearing by the pleadings, or
on affidavit, or otherwise, O. 50, r. 7.

Custody, *interim*, of subject matter, in action of contract,
O. 50, r. 1.

Application may be made by plaintiff on his right to
order appearing by the pleadings, or on affidavit,
or otherwise, O. 50, r. 7.

Preservation of Property (*continued*).

Detention of property, the subject of the cause or matter,
O. 50, r. 3.

Application may be made by plaintiff on notice after writ
issued, and by defendant after appearance, O. 50, r. 6.

Experiments may be ordered, O. 50, r. 3.

Application may be made by plaintiff on notice after writ
issued, and by defendant after appearance, O. 50, r. 6.

Inspection of property may be ordered, O. 50, r. 3.

Application may be made by plaintiff on notice after
writ issued, and by defendant after appearance,
O. 50, r. 6.

Lien, amount of may be ordered to be paid into court and
property given up to the party claiming it, O. 50, r. 8.

Master in chambers has no jurisdiction under O. 50, rr. 1 to 5,
O. 54, r. 12 (*e*).

Sale of goods may be ordered, O. 50, r. 2.

Application may be made by plaintiff on notice after writ
issued, and by defendant after appearance, O. 50
r. 6.

Samples may be ordered to be taken, O. 50, r. 3.

Application may be made by plaintiff on notice after writ
issued, and by defendant after appearance, O. 50, r. 6.

President—

Court of Appeal, president of, §§ 6.

Divisional courts of H. C., presidents of, § 40.

Divisions of H. C., presidents of, § 31.

High Court of Justice, president of, § 5.

Printing—

Affidavit, evidence taken by, for use on a trial shall be
printed, O. 38, r. 30.

Unless same has previously been used without being
printed, O. 66, r. 6.

Affidavits may be printed by consent, or if so ordered, O. 38
r. 30.

May be sworn to in print or writing, or partly in one
and partly in the other, O. 66, r. 4.

Printing (*continued*).

Amendments in pleadings may be written unless they exceed 144 words in one place, or are so numerous, or such as to render the document difficult or inconvenient to read, O. 28, r. 8.

Answers to interrogatories exceeding ten folios shall be printed unless otherwise ordered, O. 31, r. 9.

Appeal to C. A., evidence may be ordered to be printed for the purpose of, O. 58, r. 12.

Costs shall be borne by the party printing, unless otherwise ordered, O. 58, r. 12.

Copies, not exceeding ten, shall be supplied to opposite party on payment of 1d. per folio for first, and $\frac{1}{2}$ d. per folio for every other copy, O. 66, r. 7 (*c*).

As between the solicitor and his client, credit shall be given for copies, O. 66, r. 7 (*d*).

Copy of deposition for printer shall be supplied by officer with whom original is filed, O. 66, r. 7 (*b*).

Costs of printing, order may be made that costs be borne or allowed by such parties, and on such terms, as may be thought fit, O. 66, r. 7 (*o*).

Printing evidence for an appeal to C. A., costs of, shall be borne by the party printing, unless otherwise ordered, O. 58, r. 12.

Depositions, written, of witnesses filed for use on a trial, shall be printed unless otherwise ordered, O. 66, r. 5.

Unless they have been previously used without being printed, O. 66, r. 6.

Folios, the number of, shall be marked on all copies, and numbered in the margin, O. 66, r. 7 (*m*).

House of Lords, printing cases and appendix; see Method of Procedure.

Indorsement of name and address of party or solicitor furnishing copies shall be made, O. 66, r. 7 (*l*).

Margins, what to be left on printing proceedings, O. 66, r. 3.

Paper on which proceedings are printed shall be cream wove machine drawing foolscap folio paper 19 lbs. per mill ream, O. 66, r. 3.

Printing (*continued*).

Party on whose behalf a deposition or affidavit is filed, is to print same, O. 66, r. 7 (*a*).

Pleadings of less than ten folios may be written or printed; every other pleading, not being a petition or summons, shall be printed, O. 19, r. 9.

Solicitor or party furnishing copies shall be answerable for their accuracy, O. 66, r. 7 (*l*).

Special case, every, shall be printed, and printed copies delivered for the use of the judges, O. 34, r. 3.

Type, what, proceedings to be printed in, O. 66, r. 3.

Writs of summons shall be printed or written, or partly printed and partly written, O. 5, r. 10.

Written copies not allowed for, where party entitled to take prints, unless otherwise ordered, O. 66, r. 7 (*e*).

Privy Council, Judicial Committee of—

Admiralty appeals, transferred to Court of Appeal, § 18.

Ecclesiastical causes, assessors in, order in council, Nov. 1876.

Lunacy appeals, transferred to Court of Appeal, § 18.

Probate Action—

Action, suit shall be called an, O. 1, r. 1.

Affidavit of scripts, statement of claim need not be delivered until eight days after defendant who has appeared has filed his, O. 20, r. 2.

Assigned to P. D. and A. Div., § 34.

Not unless it could have been commenced in the Probate Court before the Judicature Act, §§ 11.

Appearance by interveners, O. 12, r. 23.

Appearance, notice by central office to probate registry, O. 12, r. 3.

Default of appearance, plaintiff may, on filing affidavit of service and statement of claim, proceed as if appearance entered, O. 13, r. 12.

Default of defence, action may proceed notwithstanding, O. 27, r. 10.

Defence, form of;—

Interest suit	D. sec. 3, No. 1.
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Solemn form	" 2 "
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Probate Action (*continued*).

Disposed of, action shall be, before a single judge, § 42.

District registry, probate action cannot be commenced in
O. 5, r. 1.

Interveners may, on filing affidavit, appear as heretofore, O. 12
r. 23.

Notice to cross-examine witnesses only on probate in solemn
form, O. 21, r. 18.

Parties, old rules, saving as to, O. 16, r. 10.

"Probate action," includes matters relating to the grant or
recall of probates or letters of administration, other than
common form business, O. 71, r. 1.

Rules of court, saving as to, §§ 18 ; O. 16, r. 10.

Statement of claim shall be delivered in six weeks, but need
not be delivered until eight days after affidavit of scripts
of a defendant who has appeared, is filed, O. 20, r. 2.

Shall dispute defendant's interest where same is disputed,
O. 20, r. 9.

Forms: Interest suit	...	...	C. sec. 3, No. 1.
Solemn form	...	...	" 2.

Trial, solemn form, notice to cross-examine witnesses only,
O. 21, r. 18.

Writ of summons, affidavit verifying indorsement shall be
filed, O. 5, r. 15.

Character in which plaintiff claims shall be shewn, O. 3,
r. 5.

District registry, writ cannot be issued in, O. 5, r. 1.

Indorsement, forms of:—

Grant of letters...	...	A. part III. sec. 5, No. 4
Revocation of letters	...	" " " 3.
" probate	...	" " " 2.
Solemn form	...	" " " 1.

Service out of jurisdiction by leave, O. 11, r. 3.

Probate, Divorce and Admiralty Division—

Action shall not be assigned to this division unless it could
have been commenced in the P. D. or A. Courts before
the Act, §§ 11.

Actions within the non-exclusive cognizance of the

Probate, Divorce, and Admiralty Division (*continued*).

Admiralty Court may be assigned to any division,
O. 5, r. 5.

Admiralty action; see that title.

Admiralty appeals from inferior courts assigned to divisional
court of P., D., and A. Div., O. 59, r. 4.

Admiralty, High Court of, consolidated in Supreme Court, § 3.

Its jurisdiction transferred to H. C., § 16.

Admiralty judge and registrar, existing, special provisions as
to, §§ 8.

Appeals from Divorce Court to full court to be brought to
Court of Appeal, ¶ 9.

Business, what, assigned to this division, § 34.

All business assigned to this division shall, subject to
rules of court, be disposed of in the first instance
before a single judge, § 42.

Cause or matter shall not be assigned to this division
unless it could have been commenced in the Probate,
Divorce or Admiralty Courts before the Act, §§ 11.

Division of High Court, P. D. and A. Div. is a, § 31.

Divisional courts may be held for the transaction of any part
of the business assigned to this division, § 44.

Every judge of H. C. may, when required, sit in any, § 31.

Divorce Court, consolidated in Supreme Court, § 3.

Its jurisdiction transferred to High Court, § 16.

Divorce and matrimonial causes, proceedings for, not affected
by the rules, save as expressly provided, O. 68, r. 1.

Judges of this division, who shall be the, § 31 (5).

Liability to go circuit, §§ 8.

May sit, when required, in any divisional court, § 31.

Number of, deficiency in, how supplied, § 31.

Transfer of judge from one division to another, § 31.

Vacancy, judge appointed to fill any, shall be a member
of the division to which judge whose place has
become vacant belonged, § 31.

Officers; see that title.

Pending business; see that title.

President of this division, who shall be the, § 31 (5).

May request, with concurrence of president of the H. C.,

Probate, Divorce and Admiralty Division *continued*.

any other judge to hear cause assigned to this division, § 44.

Shall be an *ex officio* judge of the Court of Appeal, §§ 4
Title of, §§ 8.

Probate Court consolidated in Supreme Court, § 73.

Its jurisdiction transferred to High Court, § 16.

Rules of P. D. and A. Courts in force at commencement of Act shall, except so far as expressly varied, remain in force until altered or annulled, §§ 18.

Saving of power of the Probate Court judge to make rules as to non-contentious business, and under the Divorce Act, 1857, §§ 18.

Procedure and Proceedings—

Certain proceedings and practice excepted from rules, O. 68, r. 1.
Council of judges shall meet annually to consider, § 75.

District registries; see that title.

Errors; see that title.

Filed in central office, date of filing shall be printed or written
O. 61, r. 16.

Masters shall control and give directions as to, in central office.
O. 61, r. 2.

Rules of court may be made to regulate, §§ 17.

And to modify statutory provisions as to, §§ 24.

Saving as to mode of giving evidence in trials by jury, and rules of evidence, and law as to jurymen and juries, §§ 20.

Saving, subject to rules, of existing manner of taking proceedings and making applications, O. 1, r. 2.

Saving of existing manner of exercising jurisdiction, § 23.

Saving of existing forms and method of procedure, §§ 21, and
O. 72, r. 2.

Saving of existing and not inconsistent rules, orders and practice as to costs, O. 65, r. 27, reg. 37

Saving of existing practice and procedure in criminal causes and matters, §§ 19.

Saving of existing rules (unless expressly varied) in Probate Divorce, Admiralty and Bankruptcy, §§ 18.

And see RULES OF COURT.

Proctor—

See SOLICITOR.

Production of Documents—

Discovery; see that title.

Inspection; see that title.

Notice to produce documents at trial shall be in form B. 14, with any requisite variation, O. 32, r. 8.

Costs occasioned by including unnecessary documents shall be borne by party giving the notice, O. 32, r. 9

Service may be proved by affidavit of the solicitor or his clerk, O. 32, r. 8.

Contents of the affidavit, O. 32, r. 8.

Copy notice must be annexed, O. 32, r. 8.

Oath, production on, by any party, may be ordered at any time, O. 31, r. 14.

Offer of production may affect decision on opponent's application to interrogate, O. 31, r. 2.

Referee has the same authority with respect to, as a judge of the H. C., O. 36, r. 50.

Witness may at any stage be ordered to attend and produce documents, O. 37, r. 7.

But shall not be required to produce any which he could not be required to produce at trial, O. 37, r. 7.

Conduct money and payment for expenses and loss of time, witness is entitled to, O. 37, r. 9.

Prohibition—

Affidavits, rules of O. 38 applied, O. 68, r. 2.

Amendments rules of O. 28 applied, O. 68, r. 2.

Appeals, rules of O. 58 applied, O. 68, r. 2.

Application for, to restrain proceedings in the Supreme Court, prohibited; stay of proceedings may be ordered, § 24 (5)

Costs, rules of O. 65 applied, O. 68, r. 2.

Judgment and assessment of damages shall be, as nearly as may be, as in an ordinary action for damages, O. 68, r. 3.

Master in chambers no jurisdiction to grant, O. 54, r. 12 (g).

Motions, rules of O. 52 applied, O. 68, r. 2.

Non-compliance, rules of O. 70 applied, O. 68, r. 2.

Prohibition (*continued*).

Notices, etc., rules of O. 66 applied, O. 68, r. 2.

Pleadings and subsequent proceedings shall be, as nearly as may be, as in an ordinary action for damages, O. 68, r. 3.

Præcipe, for G. 14.

Special case, rules of O. 34 applied, O. 68, r. 2.

Time, rules of O. 64 applied, O. 68, r. 2.

Writ, form of J. 11.

Prolivity—

Affidavits, O. 38, r. 3.

Titles to affidavits, O. 38, r. 2.

Interrogatories, O. 31, r. 3.

Notices to admit or produce, O. 32, r. 9.

Pleadings, O. 19, rr. 2, 5.

Longer forms than those in appendices, when same are applicable and sufficient, shall be deemed prolix,
O. 19, r. 5.

Proceedings generally, O. 65, r. 27, reg. 20.

Writs of summons and indorsements thereon, O. 2, r. 2.

Promissory Note—

Defence, forms of, D., sec. 4.

Parties severally, or jointly and severally, liable may be joined in one action, O. 16, r. 6.

Statement of claim, and special indorsements on writ of summons, form of:—

Payee against maker, C., sec. 4, No. 3.

Writs of summons shall not be issued under the Bills of Exchange Act, O. 2, r. 6.

Indorsement of claim where no special indorsement,
A. part III, sec. 2, No. 47.

Special indorsements, C. sec. 4, No. 3.

Proper Officer—

Meaning of the term when used in the rules, O. 71, r. 1.

Property—

Detention : orders may be made for the detention, preservation, or inspection of the subject matter, with powers to enter

Property (*continued*).

upon any land or building in the possession of any party to the cause or matter, to take samples, or make observations or experiments, O. 50, r. 3.

Application for order may be made upon notice, after writ issued; and, if by defendant, after appearance, O. 50, r. 6.

Income, power of judge of Ch. Div. to allow, to parties interested, where he is satisfied that estate is more than sufficient to answer all claims, O. 50, r. 9.

Lien, where property claimed is subject to a, order may be made in certain cases that upon payment of the amount into court the property be given up, O. 50, r. 8.

Preservation: orders may be made for preservation or interim custody of subject matter, or that amount in dispute be brought into court, or otherwise secured, O. 50, r. 1.

Application for order may be made by plaintiff whenever his right thereto appears on the pleadings, or on affidavit, or otherwise, O. 50, r. 7.

Sale of goods, wares or merchandise, orders may be made for, O. 50, r. 2.

Application for order may be made upon notice and after writ issued; and, if by defendant, after appearance, O. 50, r. 6.

Sale proceeds paid into court under statute, petitioner's affidavit shall verify his title and deny, or deny and except, right of any other person, O. 52, r. 18.

Waste, in actions for prevention of, or protection of property, one person may sue on behalf of all, O. 16, r. 37.

Prothonotary—

See COUNTY PALATINE OF DURHAM—COUNTY PALATINE OF LANCASTER.

Public Officer—

Form of indorsement of representative capacity on writ of summons where plaintiff sues as, A. part III., sec. 7, No. 6.

Where defendant sued as ... " " " 7.

And another defendant as principal " " 8.

Q

Quare Impedit—

Indorsement of claim on writ ... A. part III, sec. 4, No. 48.

Quarter Sessions, Appeals from—

See APPEAL, E.

Queen's Birthday—

Court of Appeal and High Court of Justice need not sit on day appointed to be kept as, O. 63, r. 2.

Queen's Bench, Court of—

Consolidated in Supreme Court, § 3.

Jurisdiction transferred to High Court, § 16.

Pending business, transfer of, § 34.

Queen's Bench Division—

Assignment of actions to masters; see MASTERS, C.

Business, what, assigned to, § 34.

Common Pleas Div. consolidated with Q. B. D., order in council, 16th Dec. 1880.

Crown office and crown side; see that title.

Division of High Court, Q. B. D. is a, § 31.

Divisional courts for business of, § 41.

But actions shall, as far as practicable, be disposed of before a single judge; and, after trial, before that judge who tried the action, † 17.

Exchequer Div. consolidated with Q. B. D., order in council, 16th Dec. 1880.

Judges of, who shall be, § 31 (2).

May, when required, sit in any divisional court, § 31.

Number of, deficiency in, how supplied, § 31.

Transfer of judge from one division to another, § 31.

Vacancy how filled, § 31.

And see HIGH COURT OF JUSTICE, B.

Queen's Bench Division (*continued*).

President of, § 31 (2).

Revenue side; see that title.

Sheriffs shall be appointed as hitherto, § 96.

Queen's Coroner and Attorney—

Existing, shall be a master of the Supreme Court, ‡ 8 (1).

Salary, ‡ 8 (2. *l.*).

Vacancy in, how filled up, ‡ 9 (2).

Queen's Remembrancer—

Department of central office for business of, O. 61, r. 1.

Office of, amalgamated with central office, ‡ 5.

Rank, salary, and pension of, shall be as before the Act, § 77.

Transfer of, to Supreme Court, § 77.

Vacancy, on next, duties shall be performed by senior master of the Supreme Court, ‡ 14 (2).

Additional salary, ‡ 14 (2).

Questions of Law—

See SPECIAL CASE.

Questions and Issues—

Action, questions may be referred to referees for trial, § 57.

For inquiry and report, § 56.

Assessors, the aid of, may be called in by the court, § 56.

Attachment of debts, questions and issues may be ordered to be tried on any application for, O. 45, rr. 5, 7.

Costs of issues of fact and law shall follow the event, unless otherwise ordered, O. 65, r. 2.

Discovery of any kind, or inspection, questions or issues may be ordered to be determined before deciding on the right to the discovery or inspection sought for, O. 31, r. 20.

District registries, inquiries and accounts in a cause in the H. C. may be ordered to be made and taken in a district registry, § 66.

Execution, upon application for leave to issue, where leave necessary, issues or questions may be directed to be tried, O. 42, r. 23.

Questions and Issues (*continued*).

Form of issue, B. 15.

Issues may be stated in interpleader proceedings, O. 57, r. 7.

Issues may be directed and settled by the judge, where the issues of fact are not sufficiently defined, O. 33, r. 1.

Law, questions of, may by order be tried before issues of fact, O. 34, r. 2.

Motion for judgment, plaintiff may set down a, and give notice, as soon as questions and issues have been determined, O. 40, r. 7.

Form of judgment, F. 18,

And see ISSUES OF FACT—DEMURRER, PROCEEDINGS
IN LIEU OF—SPECIAL CASE.

Qui Tam Action—

See PENAL ACTION.

Quo Warranto—

Affidavits, rules of O. 38 applied, O. 68, r. 2.

Amendments, rules of O. 28 applied, O. 68, r. 2.

Appeals, rules of O. 58 not applied, O. 68, r. 2.

Costs, rules of O. 65 applied, O. 68, r. 2.

Motions, rules of O. 52 applied, O. 68, r. 2.

Non-compliance, rules of O. 70 applied, O. 68, r. 2.

Notices, etc., rules of O. 66 applied, O. 68, r. 2.

Special case, rules of O. 34 applied, O. 68, r. 2.

Time, rules of O. 64 applied, O. 68, r. 2.

R**Railway Companies' Act, 1867—**

Advertisement of order confirming scheme and production of advertisements to officer on enrolment of scheme, O. 61, r. 11.

Railway Companies' Act, 1867 (*continued*).

Cases stated by railway commissioners shall be heard before divisional courts, O. 59, r. 1 (*f*).

Scheme shall be enrolled in central office, O. 61, r. 10.

Receivers—

Accounts shall be left and passed and balances paid over on days fixed by court or judge when receiver appointed, O. 50, r. 18.

Form of accounts shall be L. 14, with any requisite variation, O. 50, r. 19.

Left, shall be, in the judge's chambers, with affidavit of verification, O. 50, r. 20.

Form of affidavit shall be L. 22, with any requisite variation, O. 50, r. 22.

Passing accounts, appointment for, shall be obtained by person having conduct of the cause, O. 50, r. 20.

And see FAILURE *infra*.

Application for a receiver may be made by any party, and if by plaintiff, *ex parte* or with notice, O. 50, r. 4.

Appointment may be made in all cases where just and convenient, § 25 (8).

Terms may be imposed, § 25, (8).

Book containing accounts shall be deposited in central office when receivership completed, O. 50, r. 22.

Cause or matter may be adjourned to chambers for completion of security where order appointing receiver is made in court, O. 50, r. 17.

Failure of receiver to leave or pass accounts, or make any payment, on any, receiver or the parties may be required to attend and show cause at chambers, and thereupon all proper directions may be given, O. 50, r. 21.

Disallowance of receiver's salary, and charging him with interest for neglect to leave or pass his accounts or pay over balances, O. 50, r. 18.

Discharge of receiver and appointment of another, O. 50, r. 21.

Interest, receiver may be charged with, where he neglects to pass his accounts and to pay over balances, O. 50, r. 18.

Receivers (*continued*).

Master in chambers has no power to appoint a receiver, O. 54, r. 12 (*h*).

Salary or allowance shall be allowed to receiver, unless otherwise ordered, O. 50, r. 16.

Disallowed, may be, on failure to leave or pass his accounts or pay over balances, O. 50, r. 18.

Security by recognizance shall, unless otherwise ordered, be given by receiver, O. 50, r. 16.

Form of recognizance shall be L. 21, unless otherwise ordered, O. 50, r. 16.

And see RECOGNIZANCE.

Recognizance—

Costs, recognizance as security for; see COSTS, C.

Enrolled, shall not be after six months, except under special circumstances and by order, O. 61, r. 14.

Given in Ch. Div., shall be given to the two senior chief clerks of judge to whom cause or matter is assigned, O. 60, r. 4.
Vacating thereof, O. 60, r. 4.

Receiver's recognizance, O. 50, r. 16.

Form shall be L. 21, unless otherwise ordered, O. 50, r. 16.

Record—

Central office, affidavits or records shall not be taken out of, without an order, and no *subpoena duces* therefor shall issue, O. 61, r. 28.

Court of Appeal is a superior court of, § 16.

Deeds and recognizances enrolled, records of, shall be sent to public record office within two years from enrolment, O. 61, r. 13.

District registry, affidavits or records shall not be taken out of, without an order, and no *subpoena duces* therefor shall issue, O. 35, r. 22.

Transmission of, on removal of action to London, § 65;
O. 35, r. 20.

Error, in law upon the record, in criminal cause or matter, appeal lies in, §47.

High Court of Justice is a superior court of, § 18.

Record (*continued*).

Inferior court, transmission of, from, on transfer of proceeding to High Court, § 90.

Withdrawal of, by leave, O. 26, r. 1.

By written consent, O. 26, r. 2.

Record and Writ Clerk—

Abolition of office of, ‡ 14.

Amalgamation of office of, with central office, ‡ 5.

Construction of enactments relating to, O. 61, r. 3.

Existing, shall be a master of Supreme Court, ‡ 8.

Transfer of clerks to central office, ‡ 6.

Recovery of Land—

See LAND, ACTION TO RECOVER.

Rectification—

Actions for, of deeds, etc. assigned to Ch. Div., § 34.

Statement of claim, form of, C. sec. 2, No. 11.

Writ of summons, indorsement on, A. part III, sec. 1, No. 8.

And see AMENDMENT—MISTAKE.

Redemption of Mortgages—

Actions for, assigned to Ch. Div., § 34.

Pleadings :—

Claim, statement of	C. sec. 2, No. 6.
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Defence	„	D. sec. 2, No. 2.
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Writ of summons, indorsement on, A. part III, sec. 1, No. 5.

Referees, Official and Special—

A. Appointment, Qualification, Status and Expenses ;

B. Jurisdiction of Court in respect to Referees ;

C. Inquiries and Trials before Referees.

A. Appointment, Qualification, Status and Expenses.

Appointment of official referees, § 83.

Special referee may be agreed on by the parties, § 57.

Expenses ; all proper and reasonable travelling expenses shall be paid to official referees by Treasury, § 37.

Referees, Official and Special (*continued*).

A. *Appointment, Qualification, Status and Expenses (continued).*

Fee shall be £5 for each reference irrespective of time ;
shall be paid by stamps, R. 24th April, 1877.

Also £1 11s. 6d. for each night the official referee
and 15s. for each night his clerk, is absent from
London on the reference, *ib.*

Deposit may be required, and if so memorandum
shall be given, *ib.*

Paid, shall be, in first instance by party proceeding
with reference, *ib.*

Place for sittings held out of London shall be provided
by such party, *ib.*

Travelling expenses of referee and his clerk shall be
paid, *ib.*

Number of official referees, § 83.

Officers of the court, referees shall be deemed, § 58.

Official referees shall be permanent officers attached
to the Supreme Court, § 83.

Qualification of official referees, § 83.

Remuneration of special referees shall be determined by
the court, § 56.

Tenure of office of official referees, § 83.

Treasury, official referees shall conform to regulations
of, for accounting for monies received by them, R.
24th April, 1877.

B. *Jurisdiction of Court in respect to Referees.*

Action, any question in any (other than a criminal pro-
ceeding by the crown), may be referred for inquiry
and report, § 56.

Form of order, K. 32.

Action, any question in any (other than a criminal pro-
ceeding by the crown), may, by consent be referred
for trial, § 57.

Without such consent, in cases of prolonged exami-
nation of accounts or documents or of scientific
or local investigation, § 57.

Terms may be imposed, § 57,

Referees, Official and Special (*continued*).

B. Jurisdiction of Court in respect to Referees (continued).

Form of order, K. 33.

Assessors; see next heading, C.

Business shall be distributed among the official referees as business is distributed among the conveyancing counsel of the court, O. 36, r. 45.

Order shall be produced to, and referee's name indorsed by officer, O. 36, r. 46.

Power of court to direct, or transfer, a reference to any particular referee, O. 36, r. 47.

Powers of court with respect to proceedings before referees and their reports shall be in addition to those given by the Common Law Procedure Act, 1854, § 59.

Preliminary question may be tried before reference is ordered, O. 34, r. 2.

Question, any, may be submitted to the court by the referee, and be decided by the court with or without additional evidence, O. 36, r. 52.

Reasons and explanations may be required of the referee by the court, O. 36, r. 52.

Remitting back to referee for re-trial or further consideration, O. 36, r. 52.

Report may be adopted wholly or partially, § 56.

Adoption of report, or motion to vary or remit, O. 36, rr. 54, 55.

Enforced, may be, as a judgment, § 56.

Equivalent to the verdict of a jury, shall be, on any question of fact on any trial by referee and unless set aside, § 58.

Notice of report shall be given by referee by post to all parties, O. 36, r. 53.

Powers of court with reference to report shall be in addition to those given by the Common Law Procedure Act, 1854, § 59.

Question, any, may be submitted for decision of the court, O. 36, r. 52.

Setting aside report, § 58.

Referees, Official and Special (*continued*).

B. Jurisdiction of Court in respect to Referees (continued).

Special referees shall have the same powers and proceed in the same manner as official referees, § 57.

Specially, facts may be stated, for decision of the court, O. 36, r. 52.

C. Inquiries and Trials before Referees.

Adjourn from place to place, power of referee to, O. 36, r. 48.

Assessors, trials before referees may be with assessors, O. 36, r. 7 (*a*).

Shall take place in such manner and on such terms as shall be directed, O. 36, r. 43.

Authority of referees shall be the same as a judge of the H. C., O. 36, r. 50.

Commit to prison, referee has no power to, O. 36, r. 51.

Discovery, referee has same authority with respect to, as a judge of the H. C., O. 36, r. 50.

Duties of referees shall be performed in London or country as may be ordered, § 83.

Inspection, referee may have any, that he deems expedient, O. 36, r. 48.

Judgment, after trial of questions of account by referee, form of, F. 9.

Power of referee to direct entry of, O. 36, r. 50.

Orders, referee cannot enforce his, by committal, attachment or otherwise, O. 36, r. 51.

Place of trial may be any convenient place, O. 36, r. 48.

Proceed, *de die in diem*, referee shall, unless otherwise ordered, O. 36, r. 48.

Production of documents, referee has the same authority, with respect to, as a judge of the H. C., O. 36, r. 50.

Question, any, may be submitted for decision of the court, O. 36, r. 52.

Report ; see *B. supra*.

Sittings, hours and days of, O. 63, r. 16.

Special referees shall have the same powers and proceed in the same manner as official referees, § 57.

Referees, Official and Special (*continued*).*C. Inquiries and Trials before Referees (continued).*

Specially, facts may be stated, for decision of the court,
O. 36, r. 52.

Trial shall be conducted as a trial before a judge of the
H. C., § 57; O. 36, r. 49.

Evidence shall be taken, O. 36, r. 49.

View, referee may have any, that he deems expedient,
O. 36, r. 48.

Witness, attendance of, may be enforced by *subpcena*,
O. 36, r. 49.

Reference—

See ARBITRATION—REFEREES, OFFICIAL AND SPECIAL.

Reference as to Damages—

See DAMAGES.

Reference in Admiralty Action—

See ADMIRALTY ACTION.

Reference to Master—

Appeal from certificate on question of law, O. 59, r. 3.

Common Law Procedure Acts, provisions of, not affected
by O. 36; O. 36, r. 10.

Form of order of reference, K. 34.

Registrar—

Acknowledgments of married women; see that title.

Admiralty Court, special provisions as to the existing, §§ 8.

Bills of Sale; see that title:

Chancery; see CHANCERY REGISTRARS.

District; see DISTRICT REGISTRARS.

Probate Division, registrar of, jurisdiction in chambers, O. 54,
r. 12.

Transfer of, to Supreme Court, § 77.

Registration and Election Cases—

Jurisdiction of H. C. final, unless leave to appeal given and
decision of C. A. then final, ‡ 14.

Regulations—

See RULES OF COURT.

Registries, District—

See DISTRICT REGISTRIES.

Registry of Judgments—

Registration cannot be made after 2 p.m., O. 61, r. 22.

Search for judgment by registrar and certificate of result,

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Rehearing—

Appeals to Court of Appeal shall be by way of, O. 58, r. 1.

Rejoinder—

Not allowed without leave and then only upon terms, O. 23, r. 2.

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Relator—

Authority to solicitor shall be signed and filed before his name is used, O. 16, r. 20

Release—

Defence, form of, D. sec.4.

Release in Admiralty—

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Relief—

May be given although not asked for in pleadings, O. 20, r. 6.

And see EQUITABLE RIGHTS, RELIEF AND RULES.

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See EQUITABLE RIGHTS, RELIEF AND RULES.

Removal—

County Court, form of order on removal of judgment, K. 30.

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TRANSFER.

Renewal—

Execution, renewal by resealing, or by sealed notice, O. 42, r. 20.

Form of notice, B. 21.

Order of commitment under the Debtors' Act, O. 42, r. 25.

Writ of summons, renewal of, by leave, O. 8, r. 1.

Memorandum of renewal shall be A., part I., No. 18,
with any requisite variation, O. 8, r. 1; and see G. 20.

Order allowing renewal, form of, K. 22.

Repeal—

Chancery Funds Act, 1872, repeal of section 16, §§ 30.

Enactment inconsistent with Acts, repeal of any, §§ 33.

Orders and rules annulled shall not be revived, O. 72, r. 1.

Rules in appendix O., repeal of; see paragraph preceding O. 1.

Statutes, repeal of certain, and provisions, § 33; §§ 2, 4, 10,
33, and sch. 2; † 24; ‡ 29, and sch. 2.

And see ABOLITION.

Reply—

Counter-claim, reply may be delivered to a, within same time
as a defence to a statement of claim, O. 2, r. 14.

Grounds alleged in counter-claim must be dealt with
specifically, O. 19, r. 17.

Reply to counter-claim shall be subject to rules applicable
to defences, O. 23, r. 4.

Defence to set-off or counter-claim arising after action may be
pleaded in reply, O. 24, r. 1.

Further defence or reply, setting forth new defence,
O. 24, r. 2.

Delivered, reply may be by plaintiff, O. 19, r. 2.

In admiralty actions within six days, and in other actions
within twenty-one days after last defence, O. 23, r. 1

Forms:—

Acceptance of money paid into court	...	E. sec. 2.
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Counter-claim, reply to	E. secs. 1, 2.
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Joinder of issue	"	"
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Time given to principal on a guarantee	...	"	1.
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Further pleadings (other than joinder of issue) shall not be
pleaded without leave, and then only on terms, O. 23, r. 2

Delivered, shall be, in four days, O. 23, r. 3.

Reply (*continued*).

Joinder of issue, O. 19, r. 18.

Non-delivery of reply, pleadings shall be deemed closed, and facts in last pleadings deemed denied, O. 27, r. 13.

Notice of trial may be given with reply, whether it closes the pleadings or not, O. 36, r. 11.

And see PLEADINGS.

Report—

See DISTRICT REGISTRIES—REFEREES, OFFICIAL AND SPECIAL.

Report Office—

Amalgamated with central office, † 5.

Business of, O. 61, r. 1 (3).

Transfer of clerks to central office, † 6.

Representative Capacity—

Denial of, in pleadings shall be specific, O. 21, r. 5.

Indorsement of, on writ of summons, O. 3, r. 4.

Forms:—

Executor (plaintiff) ...	A., part III., sec. 7, No. 1.	
„ (defendant) „	„	2.
„ („ and in personal capacity) „	„	3.
Heir-at-law ...	„	9.
„ and devisee ...	„	10.
Public officer (plaintiff) ...	„	6.
„ (defendant) „	„	7.
„ („ and principal) „	„	8.
<i>Qui tam</i> action ...	„	11.
Trustee ...	„	5.
„ in bankruptcy (plaintiff) „	„	4.

Joinder of causes of action; see that title.

Joinder of parties; see that title.

And see EXECUTORS AND ADMINISTRATORS—TRUSTEES.

Residuary Devisee—

Judgment or order for administration, residuary devisee entitled thereto, may have same without serving any co-residuary devisee, O. 16, r. 35.

Residuary Devisee (*continued*).

Originating summons in Ch. Div., devisee may take out, as of course, for determination of questions or matters affecting administration, O. 55, r. 3.

Also for a general administration order, O. 55, r. 4.

Residuary Legatee—

See LEGATEE.

Restraining Proceedings—

Injunction for, in Supreme Court, not granted, but stay of proceedings may be ordered upon motion in a summary way, § 24 (5); and see INJUNCTION.

Multiplicity of legal proceedings shall be avoided, § 24 (7).

Revenue Side of Q. B. D.—

Affidavits, rules of O. 38 as to, applied, O. 68, r. 2.

Amendments, rules of O. 28 as to, applied, O. 68, r. 2.

Appeals, rules of O. 58 as to, applied, O. 68, r. 2.

Costs, rules of O. 65 as to, applied, O. 68, r. 2.

Divisional court, proceedings shall be heard by a, O. 59, r. 1 (*d*).

Motions, rules of O. 52 as to, applied, O. 68, r. 2.

Non-compliance, rules of O. 70 as to, applied, O. 68, r. 2.

Notices, &c., rules of O. 66 as to, applied, O. 68, r. 2.

Queen's remembrancer and office of; see that title.

Saving of existing practice and procedure, subject to the rules, O. 68, r. 1.

Special case, rules of O. 34 as to, applied, O. 68, r. 2.

Time, rules of O. 64 as to, applied, O. 68, r. 2.

Return—

See EXECUTION—MANDAMUS.

Review of Taxation—

See COSTS, D.

Revising Barristers—

Appeals from, shall continue to be heard by divisional courts, O. 59, r. 1 (*b*).

Saving as to, §§ 23.

Revivor—

See PARTIES TO ACTIONS.

Rolls, Master of the—

See MASTER OF THE ROLLS, THE.

Royal Courts of Justice—

New Law Courts shall be so styled, ⁺ 28.

Rule Nisi—

Abolition of, in certain cases, O. 52, r. 2.

On motions for new trials, O. 39, r. 3.

Saving as to, in certain other cases, O. 52, r. 3.

In *habeas corpus*, O. 59, r. 1 (*g*).

Rules of Court—

Acts of Parliament relating to courts and judges whose jurisdiction is transferred to Supreme Court, shall be construed as if the Supreme Court and its judges were named therein, § 76.

Admiralty Court, rules in force in, at commencement of Act, shall, except so far as expressly varied by Act, remain in force until altered or annulled, §§ 18.

Bankruptcy Court, rules in force relating to appeals, at commencement of Act, shall, except so far as expressly varied by Act, remain in force until altered or annulled, §§ 18.

Cited, how, R. Dec. 1882, r. 1; paragraph preceding O. 1.

Commencement of Act, rules may be made before, §§ 17.

Of rules, R. Dec. 1882, r. 2; paragraph preceding O. 1.

Costs, rules of court may regulate, §§ 17.

Who may make, ⁺⁺ 19.

Council of judges shall meet annually, and consider and report as to procedure, § 75.

County courts, power to make rules for practice of, ⁺⁺ 27.

Criminal practice and procedure, subject to rules of court to be made under Act, shall remain unaltered, §§ 19.

Divorce Court, rules in force in, at commencement of Act, shall, except so far as expressly varied by Act, remain in force until altered or annulled, §§ 18.

Rules of Court (*continued*).

- Saving of powers of making rules under Divorce Act, 1857, section 53, §§ 18.
- Evidence, rules of, shall not be affected by Act, or schedule, or rules of court, §§ 20.
- Exceptions from rules, O. 68, r. 1.
- Existing forms and methods of procedure, not inconsistent with Acts or rules, may continue to be used, §§ 21; O. 73, r. 2.
- Interpretation of term; "Rules of Court" shall include forms, §§ 100.
- Juries and jurymen, Acts, schedule, and rules shall not affect law as to, §§ 20.
- Rules of R. G. H. T. 1853 as to juries not repealed, appendix O. (16).
- Money and securities in court, rules may be made with respect to the investment and conversion thereof, §§ 30.
- Non-compliance with rules shall not render proceedings void, unless so directed, O. 70, r. 1.
- Orders and rules annulled shall not be revived, O. 27, r. 1.
- Palatinate Courts, powers with respect to making rules in, shall be exercised in the manner provided with respect to rules of court under the Act, § 78.
- Parliament, when required to be laid before, shall be so laid within forty days, §§ 25.
- Paymaster general, power to make rules concerning the, §§ 24; § 4 (1); § 7.
- Pending business, rules applied to, so far as practicable, paragraph preceding O. 1.
- Probate Court, rules in force in, at commencement of Act, shall, except so far as expressly varied by Act, remain in force until altered or annulled, §§ 18.
- Saving of powers of Probate Court judge to make rules regulating non-contentious business, §§ 18.
- Repeal; see that title.
- Royal Courts of Justice, power of L. C. to make regulations as to use and management of, ¶ 23.
- Schedule, rules in, shall regulate proceedings in the Supreme Court, §§ 16.
- Sittings, regulation of, by rule of court, §§ 17.

Rules of Court (*continued*).

Supreme Court shall have power to alter, annul, and make rules, §§ 17; and see §§ 24, † 17, ‡ 19.

Vacancy in offices of L. C. or L. C. J., rules how read, O. 72, r. 3.

Vacations, regulation of, by order in council, § 27.

And see PROCEDURE AND PROCEEDINGS.

S**Salary—**

See COURT OF APPEAL, B.—HIGH COURT OF JUSTICE, B.—OFFICERS—RECEIVERS.

Sale—

Actions as to, of real estates assigned to Ch. Div., § 34.

So also of property subject to a lien or charge, § 34.

Sale proceeds paid into court under statute, affidavit of claim thereto, shall verify claimant's title and deny, or deny and except, right of any other person, O. 52, r. 18.

Statement of claim, forms of:—

Sale or foreclosure	...	...	...	C. sec. 2, No. 5.
„ partition	...	...	...	„ „ 13.
„ subject to a lien or charge	...	...	...	„ „ 8.

And see SALES BY THE COURT.

Sale of Goods, Action for—

Defence of denial, must deny the order or contract, the delivery, or the amount claimed, O. 21, r. 3.

Pleadings, forms of:—

Claim, statement of, goods sold and delivered	C. sec. 4, No. 1.
„ „ „ not delivered	... C. sec. 5, No. 1.
„ „ „ inferior to contract	„ „ 2.
„ „ „ fraudulent misrepresentation	...
Defence	... D. secs. 4, 5, 6.

Sale of Goods, Action for (*continued*).

Writ of summons, indorsements of claim on:—

Special indorsement C. sec. 4, No. 1.

Where no special indorsement, A. part III., sec. 2, No. 1.

Damages:—

Non-acceptance ... A. part III., sec. 4, No. 50.

Non-delivery " " " 51.

Warranty, breach of " " " 52.

Sales by the Court—

A. In Admiralty Actions; B. In Chancery Causes or Matters; C. In Interpleader Proceedings; D. Perishable, etc., Goods.

A. In Admiralty Actions.

Commission of appraisement or sale, shall, unless otherwise ordered, be executed by the marshal, O. 51, r. 14.

Form of commission, H. 16.

Gross proceeds shall be paid into court by the marshal, O. 51, r. 15.

Marshal's account sales and vouchers shall be brought in for taxation, O. 51, r. 15.

Any person interested may be heard on the taxation, O. 51, r. 16.

Objections shall be heard as objections to the taxation of a bill of costs are heard, O. 51, r. 16.

B. In Chancery Causes or Matters.

Abstract of title shall, unless otherwise ordered, be laid before conveyancing counsel for opinion, O. 51, r. 2.

Form of affidavit, verifying abstract, L. 23.

Conditions of sale shall specify a time for the delivery of the abstract to the purchaser, O. 51, r. 2.

Form of ordinary conditions, L. 15.

Conduct of sale in actions for administration or execution of trusts shall be given to executor, administrator or trustee, unless otherwise directed, O. 50, r. 10.

Conveyance, all proper parties shall join in, as the judge shall direct, O. 51, r. 3.

Sales by the Court (*continued*).*B. In Chancery Causes or Matters (continued).*

Form of affidavit verifying engrossment, L. 24.

Order for sale may be made where necessary or expedient,
O. 51, r. 1.

Particulars and conditions of sale, two certified prints of,
shall be left at chambers, O. 51, r. 5.

Possession shall be given to purchaser, or such person as
order for sale may direct, O. 51, r. 1.

Reserved biddings, affidavit to enable judge to fix, shall
state value of property by reference to an exhibit,
O. 51, r. 4.

Sale shall be with the approbation of the judge, to the
best purchaser that can be got, O. 51, r. 3.

Result of sale, office copy of the affidavit of the
person appointed to sell, with the bidding paper
and particulars, shall be left at chambers one
clear day before the day appointed for settling
the certificate, O. 51, r. 6.

Form of affidavit of result, L. 16.

C. In Interpleader Proceedings.

Goods seized in execution, and claimed as security for a
debt, may be ordered to be sold, and directions given
as to application of proceeds, O. 57, r. 12.

D. Perishable, etc., Goods.

Perishable goods, or goods likely to injure from keeping,
or which for any other reason it is desirable to sell at
once, may, on the application of any party, be
ordered to be sold, in such manner and on such
terms as may be desirable, O. 50, r. 2.

Salvage—

Action of distribution of, affidavit to lead warrant to arrest,
O. 5, r. 16 (*d*).

Appeal against salvage award, O. 59, rr. 5, 6.

Defence, form of, D., sec. 3, No. 6.

Release in action of; see ADMIRALTY ACTION.

Statement of claim, form of, C., sec. 3, No. 6.

Salvage (*continued*).

Writ of summons, indorsement of claim on, A., part III.,
sec. 6, No. 12.

Samples—

Of any property the subject of an action may be ordered to
be taken, O. 50, r. 3.

Application of this rule to inspection by a jury, O. 50, r. 5.

Satisfaction—

Bill of sale, memorandum of satisfaction may be written on,
by consent or order, O. 61, rr. 26, 27.

Affidavit of signature to consent, O. 61, r. 26.

Affidavit of satisfaction, and of service of summons, where
consent cannot be obtained, O. 61, r. 27.

Form of summons to enter satisfaction, K. 58.

Payment into court; see that title.

Saturday—

Offices shall close at 2 p.m., O. 63, r. 8.

Pleadings, etc., shall be served before 2 p.m., O. 64, r. 11.

Scandalous Matter—

Striking out, in affidavits, O. 38, r. 11.

In pleadings, O. 19, r. 27.

Seal—

Central office, O. 61, r. 6.

No other authentication of any document shall be
required, O. 61, r. 7.

District registries, and effect of in evidence, § 61.

Search—

Acknowledgments by married women, search by, and certificate
of officer, O. 61, r. 23.

Bill of sale, search by, and certificate of officer, O. 61, r. 23.

Documents, filed at central office, O. 61, r. 17.

Filing books at central office, O. 61, r. 18.

Indexes of documents filed at central office, O. 61, r. 17.

Of entries at chancery registrar's offices, O. 62, r. 3.

Search (*continued*).

Judgments, search by, and certificate of officer, *¶*O. 61, r. 23.

Præcipe for search, G. 27.

Proceedings, dates and general description of, search for, at central office, and certificate of officer of, O. 61, r. 24.

Security for Costs—

See COSTS, C.

Seduction, Action for—

Pleadings, forms of:—

Claim, statement of C. sec. 6, No. 9.

Defence D. sec. 6.

Trial by jury, right of either party to a, O. 36, r. 2.

Sequestrari Facias de Bonis Ecclesiasticis—

Delivered shall be, to bishop for execution, O. 43, r. 4.

Executed, may be, in same manner as heretofore, O. 43, r. 5.

Shall be executed by bishop, O. 43, r. 4.

Fees of bishop shall be such as are lawful, O. 43, r. 4.

Issued may be in same cases and manner as heretofore, O. 43, r. 5.

Issued may be where upon return to *fi fa* or *elegit*, it appears that defendant is a beneficed clerk, and has no goods, nor lay fee, in sheriff's bailiwick, O. 43, r. 3.

Returned by bishop, writ when, shall be delivered to party suing same out, and be filed in central office, O. 43, r. 4.

Writ, form of, H. 7.

Præcipe, G. 5.

Sequestration—

Beneficed clerk, when sequestration may issue against, O. 43, r. 3; and see SEQUESTRARI FACIAS DE BONIS ECCLESIASTICIS.

Corporation, judgments or orders against, may be enforced by O. 42, r. 31.

Effect of, shall be the same as heretofore in chancery, O. 43, r. 6.

Issue, may, without any order, O. 43, r. 6.

Sequestration (*continued*).

Judgments may be enforced by, for :—

Payment of money into court, O. 42, r. 3.

Recovery of property other than land or money, O. 42, r. 6.

Requiring act to be done in a limited time, O. 43, r. 6.

Leave to issue, is necessary where issued for costs, O. 43, r. 7.

Præcipe for, G. 6.

Proceeds may be dealt with as heretofore in chancery, O. 43, r. 6.

Service of judgment or order is necessary, and a refusal or neglect to obey same must be obtained in certain cases before writ issues, O. 43, r. 6.

Writ of sequestration, form of, H. 13.

Service of Writs, Orders, and Documents—

Address for service, writs and documents whereof personal service is not requisite, may be served at the, with any person resident at or belonging thereto, O. 67, r. 2.

Admiralty actions; see that title.

Affidavit of service shall state when, where, how and by whom service effected, O. 67, r. 9.

Form of affidavit, B. 23.

Attachment, original order for, must be exhibited, O. 67, r. 1.

Filed, writs and documents whereof personal service is not requisite may be, where no appearance has been entered, or no address for service given. O. 67, r. 4.

London solicitor or agent appearing for a person not a party, service upon, shall be deemed good service, except where personal service is requisite, O. 67, r. 8.

Notices sent from any office of the Supreme Court may be sent by post, O. 67, r. 3.

Time of delivery in ordinary course shall be time of service, O. 67, r. 3.

Order, original, need not be shown if an office copy be exhibited, O. 67, r. 1.

Except in attachment, O. 67, r. 1.

Party suing or appearing in person, and then giving notice through a solicitor that such solicitor is authorized to act on his behalf, service shall thereafter be on such solicitor, O. 67, r. 7.

Service of Writs, Orders, and Documents (*continued*).

Personal service shall be, as nearly as may be, as prescribed for a writ of summons, O. 67, r. 5.

Substituted service, or substitution of notice for service, may be ordered where prompt personal service cannot be effected, O. 67, r. 6.

Affidavit on application shall set forth the grounds, O. 10.

Writ of summons, substituted service may be ordered of, O. 9, r. 2.

Form of order, K. 21.

Indorsement of service shall be made within three days, and same shall be mentioned in affidavit of service, O. 9, r. 15.

Time ; pleadings, etc. shall be served before 6 p. m., (Saturdays 2 p. m.) or same counts as of following day, O. 64, r. 11.

Writ of summons, personal service of, shall be in the manner now made, O. 9, r. 2.

Indorsement of service shall be made within three days, and same shall be mentioned in affidavit of service, O. 9, r. 15.

And see MOTION—ORDERS—PLEADINGS—SUMMONS—WRIT OF SUMMONS, D.

Set-off—

Cross-costs may be set-off, O. 65, r. 27, reg. 21.

Damages or costs may be set-off between parties, notwithstanding solicitor's lien, O. 65, r. 14.

And see COUNTER-CLAIM—DEFENCE.

Setting aside and Striking out—

Affidavits, matter in, which is scandalous, O. 38, r. 11.

Appearance, where address is illusory or fictitious, O. 12, r. 12.

Award, on an appeal in a compulsory reference, O. 59, r. 3.

Application may be made before last day of sittings next after publication, O. 64, r. 14.

Cause or matter, striking out, standing for one year in cause book as "abated," or standing over generally, O. 17, r. 10.

Counterclaim, where case thereby raised ought to be disposed of in an independent action, O. 21, r. 15.

Setting aside and Striking out (*continued*).

Deeds or written instruments, causes and matters as to the setting aside of, assigned to Ch. Div., § 34.

Defence, on application of defendant, O. 26, r. 1.

For non-compliance with order for interrogatories, discovery, or inspection, O. 31, r. 21.

Frivolous or vexatious action or defence, O. 25, r. 4.

Interrogatories which are unreasonable, vexatious, prolix, oppressive, unnecessary, or scandalous, O. 31, r. 7.

Irregularity, no application to set aside for, shall be allowed unless made in reasonable time and before any fresh step is taken after knowledge of the irregularity, O. 70, r. 2.

Objections shall be stated in the summons or notice of motion, O. 70, r. 3.

Summons taken out with costs, and dismissed, is dismissed with costs, O. 70, r. 4.

Judgment obtained for default of appearance, O. 13, r. 10.

Default of pleading, O. 27, r. 15.

Obtained at trial in absence of other party, O. 36, r. 33.

Wrongly entered by judge at or after trial, O. 40, rr. 3, 4, 5.

By referee, O. 40, r. 6.

Non-compliance with rules, O. 70, r. 1.

Orders made in chambers, § 50.

Parties improperly joined, O. 16, r. 13.

Pleadings, matters in, which are unnecessary, or scandalous, or prejudicial, embarrassing, or tending to delay, O. 19, r. 27.

Showing no reasonable cause of action or answer, O. 25, r. 4.

Proceedings, for non-compliance with rules, O. 70, r. 1.

Second action brought before payment of costs of previous discontinued action for same cause, O. 26, r. 4.

Statement of claim, striking out any part of the alleged cause of complaint, O. 26, r. 1.

Verdict, where one party does not appear at trial, O. 36, r. 33.

Writ of summons, O. 12, r. 30.

Setting down—

See APPEAL—FURTHER CONSIDERATION—SPECIAL CASE—
TRIAL.

Settling Orders in Chancery Division—

See CHANCERY REGISTRARS.

Sheriff—

Abolition of rule *nisi* against sheriff to pay money levied under an execution, O. 52, r. 2.

Answers to interrogatories in action against sheriff, may be ordered to be made by the officer actually concerned, O. 31, r. 28.

Appointment of sheriff shall be as heretofore, § 96.

In the Q. B. D., ‡ 16.

Arrest under Debtor's Act, date of, shall be indorsed on order within two days after arrest, O. 69, r. 7.

Discharge of defendant on delivery to sheriff of receipt for money deposited, or certificate that security given, O. 69, r. 6.

Fees of sheriff shall be as heretofore, O. 69, r. 2.

Cepi corpus, ex-sheriff may be called upon by notice to bring in the body, O. 52, r. 12.

Discovery in action against sheriff, affidavit may be ordered to be made by the officer actually concerned, O. 31, r. 28.

Distringas against ex-sheriff; see that title.

Interpleader; see that title.

Jury, inspection by; orders may be made on sheriff to procure the attendance of special or common jury at such time, place, and manner as may be ordered, O. 50, r. 5.

Poundage and expenses, levy of, in every execution, O. 42, r. 15.

Return of writs, or to bring in the body, shall be upon notice and without any order, O. 52, r. 11.

Ships—

Admiralty action; see that title.

Collision, where both ships to blame, the rules of the Admiralty Court shall prevail, § 25 (9).

Ships (*continued*).

Pleadings, forms of:—

Claim, statement of, collision	C. sec. 6, No. 5.
Marine policy	C. sec. 5, No. 6.
Shipowner <i>v.</i> charterer; detention	” ” 3.
Shipper <i>v.</i> master; damage to goods	” ” 4.
” <i>v.</i> shipowner; damage and short delivery	” ” 5.
Defences	D. secs. 5, 6.
Marine Policy	E. sec. 3, No. 3.

Writ of summons, forms of indorsement of claim on:—

Admiralty actions	A. part III. sec. 6.
Charter party	A. part III. sec. 4, No. 21.
Damages for refusal to carry goods	” ” 20.
Demurrage	A. part III. sec. 2, No. 8.
Freight	” ” ” 8.
General average	” ” ” 7.
Marine insurance	A. part III. sec. 4, No. 36.

Short Title—

Judicature Acts, § 1, §§ 1, † 1, †† 1, ‡ 1, ‡‡ 1, § 8.

Sittings—

Held, may be at any time or place, § 26.

Holidays; see that title.

London and Middlesex, sittings for trials by jury shall be held continuously throughout the year, § 30.

Office hours; see OFFICES.

Vacations, sittings in, § 28.

Vacation judges may sit separately or together as a divisional court, O. 63, r. 12.

Reversal or varying of orders of, O. 63, r. 12.

Sittings and Vacations—

Christmas vacation commences 24th Dec., ends 6th Jan., O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Easter sittings commence Tuesday after Easter week, end Friday before Whitsunday, O. 63, r. 1.

Both days inclusive, O. 63, r. 5.

Sittings and Vacations (*continued*).

Easter vacation commences on Good Friday, ends on Easter Tuesday, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Hilary sittings commence 11th January, end Wednesday before Easter, O. 63, r. 1.

Both days inclusive, O. 63, r. 5.

Holidays ; see that title.

Long vacation commences 10th August, ends 24th October, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Michaelmas sittings commence 2nd November, end 21st December, O. 63, r. 1.

Both days inclusive, O. 63, r. 5.

Orders in council may regulate vacations, § 27.

Rules of court may regulate sittings, §§ 17.

Trinity sittings commence Tuesday after Whitsun week, end 8th August, O. 63, r. 1.

Both days inclusive, O. 63, r. 5.

Whitsun vacation commences Saturday before Whitsunday, ends Tuesday after Whitsunday, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

And see VACATIONS.

Slander—

See LIBEL AND SLANDER.

Solicitors—

Admiralty action, agreement dated and signed between solicitors in an, may if reasonable be filed, and shall thereupon become an order of court, O. 52, r. 23.

Admitted, solicitors shall be by the M. R. § 87.

Affidavit shall not be sworn before the party's solicitor, nor before the party's solicitor's agent or correspondent, O. 38, r. 16.

Nor before the solicitor's partner or clerk, O. 38, r. 17.

Attorneys shall be called solicitors of the Supreme Court, § 87.

Authority to use name of any person as next friend or relator shall be filed before name is used, O. 16, r. 20.

Solicitors (*continued*).

Chambers of Ch. Div., solicitor may be appointed to represent a class on proceedings in, O. 55, r. 40.

Two or more parties employing same solicitor may be required to be represented by distinct solicitors, O. 55, r. 41.

Changing solicitors, order for unnecessary, O. 7, r. 3.

Notice of change shall be filed and served and (in Ch. Div.) left in chambers, O. 7, r. 3.

Charging order for costs, form of, K. 29.

Copies, solicitor answerable for accuracy of, supplied by him, O. 66, r. 7 (*l*).

Costs improperly incurred, or fruitless costs, may be disallowed, and costs paid by the client may be ordered to be repaid to him by his solicitor, O. 65, r. 11.

Costs of rehearing proceeding in chambers taken *ex parte* by reason of non-attendance of opposite party, may be ordered to be paid by solicitor, O. 54, r. 6.

So also where judge does not think it expedient to proceed *ex parte*, O. 54, r. 7.

So also where attendance is adjourned without any useful progress being made, O. 65, r. 27, reg. 13.

Costs payable out of a fund, solicitor may be directed by taxing officer to send a copy of his bill, free of charge, to his client, with any statement the officer may direct, and a letter of information, O. 65, r. 27, reg. 56.

Disclosure as to whether writ of summons issued by solicitor, or with his privity, O. 7, r. 1.

Discovery, interrogatories, or inspection, solicitor liable to attachment for not giving notice of order for, to his client O. 31, r. 23.

Guardian *ad litem* of an infant or person *non compos*, costs of solicitor appointed, may be directed to be paid by the parties to the cause or matter, or out of any fund in court, O. 65, r. 13.

Inquiry and report as to improper, unreasonable, or fruitless costs, attendance of official solicitor thereon, and notice to client thereof, O. 65, r. 11.

Jurisdiction of Supreme Court over solicitors, § 87.

Solicitors (*continued*).

Lien, damages or costs between parties may be set off notwithstanding solicitors lien, O. 65, r. 14.

London solicitor or agent appearing for a person, not a party, service upon, shall be deemed good service, except where personal service is requisite, O. 67, r. 8.

Notice by party who has sued or appeared in person, that solicitor authorised to act on his behalf, O. 67, r. 7.

Notice of motion to answer matters in an affidavit, or to strike off the rolls, shall be served ten clear days before the day fixed by the notice for hearing the motion, O. 52, r. 5.

Where the motion is to strike off the rolls, the grounds of the application shall be stated in the notice, and a copy of the affidavit (if any) served therewith, O. 52, r. 4.

Officers of the Supreme Court, solicitors shall be deemed to be, § 87.

Official solicitor; see that title.

Parties, solicitor acting for both, certain allowances for costs are not to be made, O. 65, r. 27, regs. 6, 7, 8.

Pauper, no fee shall be payable by, to his solicitor, O. 16, r. 24.

Solicitor assigned to act for, cannot refuse to act without good reason, O. 16, r. 26

Pleadings shall be signed by the solicitor where not settled by counsel or special pleader, O. 19, r. 4.

Pleadings, forms of, in actions against:—

Claim, statement of, for negligence ... C. sec. 25, No. 8.

Defence ... D. No. 5.

Powers as to solicitors vested in M. R., L. C., and L. C. J., †† 24.

Privileges and obligations unchanged, § 87.

Proctors shall be called solicitors of the Supreme Court, § 87.

Registrar of attorneys and solicitors shall be called the registrar of solicitors, §§ 14.

Roll of solicitors, provision as to care of, †† 24.

Rule *nisi* to answer matters in an affidavit, or to strike off the rolls, shall no longer be made, O. 52, r. 2.

Services upon solicitors; see SERVICE OF WRITS, ORDERS AND DOCUMENTS.

Statutory enactments relating to solicitors, and declarations,

Solicitors (*continued*).

certificates, and forms required thereby, may be adapted by certain of the judges, §§ 14.

Statutory powers as to solicitors vested in M. R., L. C., and L. C. J., ‡ 24.

Taxation against client, power of taxing officer to allow costs on higher scale, O. 65, r. 10.

Taxation of costs, form of orders:—

Client's application K. 41.

Solicitor's K. 42.

After action brought K. 43.

Taxing officer may require any party to be represented by a separate solicitor, O. 65, r. 27, reg. 25.

Trial: where trial cannot proceed by reason of solicitor's neglect to attend, or to deliver papers to court or judge, he shall pay such costs as may be awarded, O. 65, r. 5.

Undertaking, solicitor liable to an attachment for not entering appearance, or putting in bail, pursuant to his, O. 12, r. 18.

Special Case—

Agreement may be entered into for the payment on judgment of a sum with or without costs. Judgment and execution thereon, O. 34, r. 6.

Costs of issues of law shall follow the event unless otherwise ordered, O. 65, r. 2.

Special allowance may be made for costs, O. 65, r. 27, reg. 1.

Crown side of Q. B. D., rules of O. 34 as to special cases applied, O. 68, r. 2.

Entry for argument may be by either party by delivery of a memorandum (form, G. 25) to the officer, O. 34, r. 5.

Leave necessary where infant, or person of unsound mind, or certain married women, a party, O. 34, r. 4.

Affidavit in support of application, O. 34, r. 4.

Copy of the order giving leave shall be produced to the officer on entering the case for argument, O. 34, r. 5.

Filed, shall be, by plaintiff, O. 34, r. 3.

Heard, shall be, by a divisional court where all parties so agree, O. 59, r. 1 (*h*).

Special Case (*continued*).

Inferences, power of the court to draw, on the argument
O. 34, r. 1.

Interpleader, special case may be ordered to be stated where
the question is one of law and the facts are not in dispute
O. 57, r. 9.

O. 34, applied in such cases, O. 57, r. 9.

Judges, printed copies shall be delivered by the plaintiff for
the use of the, O. 34, r. 3.

Paragraphs, case shall be divided into, numbered consec-
utively, O. 34, r. 1.

Printed, shall be, by plaintiff, O. 34, r. 3.

Railway commissioners, cases stated by, shall be heard by
divisional courts, O. 59, r. 1 (*f*).

Referee may state facts specially for decision of court, O. 36,
r. 52.

Revenue side of Q. B. D., rules of O. 34 as to special cases
applied to the, O. 68, r. 2.

Signed, shall be, by the parties, their counsel or solicitors,
O. 34, r. 3.

Stated, may be, by consent, by the parties after writ is read,
O. 34, r. 1.

By order of a judge, O. 34, r. 2.

Under 13 & 14 Vic., c. 35, shall be deemed to be within
O. 34; O. 34, r. 8.

Year, letter, and number of the cause or matter shall be
marked on first page, O. 61, r. 19.

Special Indorsement—

Claim being for a debt or liquidated demand, or for recovery
of land by landlord against tenant, writ of summons may
be specially indorsed, O. 3, r. 6.

Costs, special allowance may be made, O. 65, r. 27, reg. 1.

Prolix indorsements, costs occasioned by, shall be borne
by the party using the same, unless otherwise
directed, O. 2, r. 2; and see O. 65, r. 27, reg. 20.

Default of appearance, where writ specially indorsed, plaintiff
may sign final judgment, O. 13, r. 3.

And see APPEARANCE, D.

Special Indorsement (*continued*).

Forms shall be to the effect of those in C. sec. 4 ; O. 3, r. 6.

Bill of exchange, indorsee *v.* acceptor ... C. sec. 4, No. 4.

" " " " and drawer " " 5.

Payee *v.* drawer excusing notice ... " " 6.

Bond, obligee *v.* obligor ... " " 7.

Company, *v.* shareholder for allotment

money and calls ... " " 9.

Covenantee *v.* covenantor ... " " 8.

Goods sold and delivered ... " " 1.

Guarantee for price of goods ... " " 10.

Creditor *v.* principal and surety ... " " 11.

Money had and received ... " " 2.

Promissory note, payee *v.* maker ... " " 3.

Trust, debt on a ... " " 12.

Work done and materials provided ... E. sec. 2.

Judgment under O. 14 notwithstanding appearance where writ specially indorsed, O. 14, r. 1 ; and see JUDGMENT, B.

Statement of claim, no further, shall be delivered where writ specially indorsed, O. 20, r. 1 (*a*).

Indorsement shall be deemed the statement of claim, O. 20, r. 1 (*a*).

Special Jury—

Plaintiff may give notice of, with his notice of trial, where he is entitled to a trial by jury, O. 36, r. 7 (*b*).

Defendant, similarly entitled, may give notice for, after pleadings closed or issues settled, and before notice of trial, or not less than six days before day of trial, O. 36, r. 7 (*c*).

Order for trial by, may be made at any time on terms, O. 36, r. 7 (*d*).

Special Referees—

See REFEREES, OFFICIAL AND SPECIAL.

Specific Performance—

Actions as to, of contracts between vendors and purchasers, and contracts for leases, assigned to Ch. Div., § 34.

Indorsement of claim for, on writ, A. part III., sec. 1, No. 9.

Specific Performance (*continued*).

Judgment not complied with, court or judge, besides or instead of proceedings for contempt, may direct the act to be done by some other person, at the cost of the disobedient party, and execution may issue for the ascertained expenses and costs, O. 42, r. 30.

Pleadings, forms of :—

Claim, statement of C. sec. 2, No. 12.

Defence D. sec. 2, No. 2.

Stamp—

Document shall not be filed, or admitted in evidence without proper stamp, §§ 26.

Provision as to unstamped document inadvertently admitted, § 26.

Fees shall be taken by stamps, §§ 26.

New trial shall not be granted by reason of judge's ruling as to, O. 39, r. 8.

Using cancelled stamp is forgery, §§ 26.

Statement of Claim—

Admiralty action *in rem*, in shall be delivered within twelve days from appearance, O. 20, r. 3.

Amendment may be made without amending the indorsement on the writ, O. 20, r. 4.

Plaintiff may amend once without leave within time for reply and before reply, or (where no defence) within four weeks from appearance of last defendant, O. 28, r. 2; and see PLEADINGS, C.

Bond, in action on, no statement of claim shall be delivered on default of appearance, but plaintiff may at once suggest breaches, O. 13, r. 14.

Costs, where delivered without being required, or required by defendant unnecessarily, O. 20, r. 1 (*e*).

Delivered, shall not be, where writ specially indorsed, O. 20, r. 1 (*a*).

In other cases may be delivered with the writ, or at any time before or after appearance, but within six weeks from appearance, O. 20, r. 1 (*d*).

Statement of Claim (*continued*).

Notwithstanding that defendant has not required it, O. 20, r. 1 (*d*).

Need not be delivered unless the defendant on appearance, or within eight days thereafter, gives notice requiring it, O. 20, r. 1 (*b*).

In such case shall be delivered within five weeks from such notice, O. 20, r. 1 (*c*).

Shall not be delivered more than six weeks after appearance, unless by order, O. 20, r. 1 (*d*).

Dismissal of action for non-delivery of statement of claim, O. 27, r. 1.

Distinct claims or causes of complaint shall be stated separately and distinctly, O. 20, r. 7 ; and see PLEADINGS, A. Filed, shall be, where defendant has not appeared, and writ is not specially indorsed, O. 13, r. 12.

Forms:—

Admiralty Actions :—

Bottomry bond	...	C. sec. 3, No. 3.
Equipment and necessities	...	" 4.
Possession	... ..	" 5.
Salvage	... ..	" 6.

Chancery Actions :—

Accounts	... ..	C. sec. 2, No. 4.
Administration	... ..	" 1.
„ wilful default	... ..	" 2.
Dissolution of partnership	... ..	" 3.
Foreclosure or sale	... ..	" 5.
Infants, wardship and care of estates	... ..	" 14.
Lien or charge, sale of property subject to	... ..	" 8.
Partition	... ..	" 13.
Raising portions or charges on land	... ..	" 7.
Rectification of instruments	... ..	" 11.
Redemption	... ..	" 6.
Sale and distribution of proceeds subject to lien or charge	... ..	" 8.
Sale or foreclosure	... ..	" 5.
„ partition	... ..	" 13.
Specific performance	... ..	" 12.

Statement of Claim (*continued*).

Trust, breach of	...	...	C. sec. 2, No. 9.
„ execution of	...	...	„ 10.
<i>Damages for breach of contract or duty :—</i>			
Breach of promise	...	...	C. sec. 5, No. 10.
Landlord <i>v.</i> tenant for repairs	...	„	9.
Marine policy ; against underwriters	...	„	6.
Negligence of carrier	...	„	7.
„ „ solicitor...	...	„	8.
Sale of goods not delivered	...	„	1.
„ „ inferior to contract	...	„	2.
Shipowner <i>v.</i> charterer for detention	...	„	3.
Shipper <i>v.</i> master for damage to goods	...	„	4.
„ <i>v.</i> shipowner for damage to goods and short delivery	...	„	5.
<i>Debt or Liquidated demand :—</i>			
Bill of exchange, indorsee <i>v.</i> acceptor	...	C. sec. 4, No. 4.	
Indorsee <i>v.</i> acceptor and drawer	...	„	5.
Payee <i>v.</i> drawer excusing notice	...	„	6.
Bond, obligee <i>v.</i> obligor	...	„	7.
Company <i>v.</i> shareholder for allotment money and calls	...	„	9.
Covenantee <i>v.</i> covenantor	...	„	8.
Goods sold and delivered	...	„	1.
Guarantee for price of goods	...	„	10.
Creditor <i>v.</i> principal and surety	...	„	11.
Money had and received	...	„	2.
Promissory note, payee <i>v.</i> maker	...	„	3.
Trust, debt on a	...	„	12.
Work done and materials	...	E. sec. 2.	
<i>General form :—</i>	...	...	see C., sec. 1.
<i>Injunctions, damages or declarations of right :—</i>			
Collision of ships	...	C. sec. 6, No. 5.	
Conversion of goods	...	„	1.
Copyright, infringement of	...	„	7.
Detenue	...	„	2.
Fraudulent prospectus...	...	„	13.
„ misrepresentation on sale	...	„	14.
Lights, obstruction of	...	„	10.

Statement of Claim (*continued*).

Malicious prosecution ...	... C. sec. 6, No. 15.
Negligence in driving ...	... " 3.
" Lord Campbell's Act	... " 4.
Nuisance by pollution of water...	... " 12.
" smells ...	... " 11.
Patent, infringement of	... " 6.
Seduction ...	... " 9.
Trade mark, infringement of	... " 8.

Land :—

Heir-at-law <i>v.</i> stranger	... C. sec. 7, No. 2.
Landlord <i>v.</i> tenant, term expired	... " 1.
" " for repairs	C. sec. 5, No. 9.

Probate :—

Interest suit ...	... C. sec. 3, No. 1.
Solemn form ...	... " 2.

New assignment, amendment of claim or reply, substituted for, O. 23, r. 6.

Place of trial must be stated, where elsewhere than Middlesex, O. 20, r. 5.

Probate actions, in, claim shall be delivered within six weeks from appearance or time for appearance, but, where defendant appears, need not be delivered until eight days after defendant has filed his affidavit of scripts, O. 20, r. 2.

Interest where disputed, must be alleged, O. 20, r. 9.

Relief claimed shall be stated specifically, O. 20, r. 6.

General relief need not be asked for, but may always be given, O. 20, r. 6.

Separate and distinct claims shall be so stated, O. 20, r. 7.

Special indorsement shall be deemed the statement of claim, O. 20, r. 1 (*u*).

Stated or settled account shall be alleged with particulars, O. 20, r. 8.

Year, letter, and number of cause of matter, shall be marked, O. 61, r. 19.

And see PLEADINGS.

Statute of Frauds—

Shall be pleaded specially, O. 19, r. 20.

Form of defence, D. sec. 4.

Statute of Limitations—

Defence, form of, D. sec. 4.

Inapplicable to express trusts, § 25 (2).

Renewal of writ of summons to prevent operation of, O. 8, r. 1.

Statutes—

Acts of Parliament relating to the courts and judges whose jurisdiction is transferred to Supreme Court, shall be construed as if Supreme Court and its judges were named therein, § 76.

Attorneys, adaptation of enactments, declarations, certificates, and forms to solicitors of the Supreme Court, §§ 14.

Bills of Exchange Act, no writ shall hereafter be issued under the, O. 2, r. 6.

Chancery Funds Act, 1872, repeal of section 16, and provision as to making rules under section 18, §§ 30. And see § 4 (1).

Funds in Ch. Div. shall be subject to this Act, § 2.

Payment into and out of court, and dealings with money in court, in Ch. Div. shall be subject to rules in force under this Act, O. 22, r. 12.

Orders shall be drawn up in conformity with rules, O. 62, r. 16.

Charitable Trusts Act, 1853 :—

Applications under sec. 28 shall be by summons, O. 55, r. 13.

Fees payable on proceedings before judge in chambers, O. 65, r. 24.

When directed to be heard in court, O. 65, r. 25.

Orders shall not be subject to appeal where the gross annual income of the charity does not exceed £100, unless by leave, O. 55, r. 14.

Common Law Procedure Acts, saving of provisions as to arbitration, O. 36, r. 10.

County Court Act, 1867, sections 5, 7, 8, and 10 applied to actions in High Court, § 67.

Courts and judges, statutes relating to, whose jurisdiction is transferred to Supreme Court shall be construed as i

Statutes (*continued*).

- Supreme Court and its judges were named therein, § 76.
 Existing and not inconsistent forms and methods of procedure preserved, §§ 21, O. 72, r. 1.
 Inconsistent enactments repealed, §§ 33.
 Inferior courts, enactments relating to appeals from county courts may, by order in council, be applied to inferior courts, §§ 15.
 Limitations, no statute of, shall bar claim of *cestui que* trust in respect of an express trust against his trustee, § 25 (2).
 Lunatics, enactments relating to, shall be construed as if judges intrusted with the Lords Justices' jurisdiction thereon had been named therein, §§ 7.
 Married Women's Property Act, 1882, married women may sue and be sued, as provided by the, O. 16, r. 16.
 Payment, transfer or deposit in court, provisions in statutes relating to, may be modified by rules of court, §§ 24.
 Repeal :—
 Chancery Funds Act, 1872, repeal of section 16, §§ 30.
 Enactment, inconsistent with Acts, repeal of any, §§ 33.
 Rules in appendix O., repeal of ; see paragraph preceding O. 1
 Statutes, repeal of certain, and provisions, § 33 ; §§ 2, 4, 10, 33, and sch. 2 ; † 24 ; ‡ 29, and sch. 2.
 Sale proceeds paid into court under statute, affidavit on application for, O. 52, r. 18.
 Supreme Court of Judicature Act, 1875, shall be construed as one with that of 1873, §§ 1.
 Trustee Relief Act, 1859, see JUDICIAL OPINION, ADVICE, DIRECTION.

Stay of Proceedings—

- Appeal to Court of Appeal, shall be no stay unless ordered, O. 58, r. 16.
 Nor to judge from master, O. 54, r. 22.
 Nor to judge from district registrar, O. 35, r. 10.
 Counterclaim may be proceeded with although action stayed, O. 21, r. 16.
 Execution, stay of, may be ordered, O. 42, r. 17 (b).

Stay of Proceedings (*continued*).

Interpleader, staying proceedings where application in an action, O. 57, r. 6.

Motion for, in lieu of old injunction, § 24 (5).

Order for particulars, how far same operates as a stay, O. 19, r. 8.

Payment into court and acceptance by plaintiff where defendant denies liability, O. 22, r. 6 (a).

Pleadings, stay of execution after judgment on the ground of facts which have arisen too late to be pleaded, O. 42, r. 27.

Question of law, stay of proceedings pending decision of, O. 34, r. 2.

Writ of summons, stay of proceedings on payment of debt and costs within four days after service, O. 3, r. 7.

Where issued without solicitor's authority or privity, O. 7, r. 1.

Where demand of partners in plaintiff's firm not complied with, O. 7, r. 2.

Stipulation—

In contracts, but not of the essence of, shall be construed as in equity, § 25 (7); and see §§ 10.

Stock or Shares, Charging—

See CHARGING STOCK OR SHARES.

Stop Orders—

See CHARGING STOCK OR SHARES.

Striking out—

See SETTING ASIDE.

Subject Matter—

See PROPERTY.

Subpœna—

Ad test, may contain any number of names, O. 37, r. 29.

A separate fee is allowed for every three names; see appendix N, title "Writs, Summonses and Warrants."

Subpoena (*continued*).

Forms shall be as follows, with any requisite variation,
O. 37, r. 27.

General form J. 1.

At assizes J. 4.

At sittings of High Court J. 6.

Chambers, *subpoena* for production of proceedings in, issues upon judge's note, O. 37, r. 28.

Costs, *subpoena* for, abolished, O. 43, r. 7.

Errors may be corrected before service and the *subpoena* resealed, O. 37, r. 31.

Duces tecum for affidavit or record of court shall not issue, O. 61, r. 28.

Nor in D. R., O. 35, r. 22.

Duces tecum shall not contain more than three names, and a separate *subpoena* for each witness may issue, if necessary or desirable, O. 27, r. 30.

Forms shall be as follows, with any requisite variation,
O. 37, r. 27.

General form J. 3.

At assizes J. 5.

At sittings of High Court J. 7.

Duration, twelve weeks from *teste*, O. 37, r. 34.

Habeas corpus ad test, form of, J. 2.

New writ may, if so directed, issue without further fee, where party brought up and trial or hearing postponed, O. 36, r. 35.

Præcipe, G. 16.

Præcipe for *subpoena* shall be filed, O. 37, r. 26.

Form shall be G. 21 ; O. 37, r. 26.

Service, copy shall be delivered and original produced, O. 37, r. 32.

Affidavit of service must state when, where, how and by whom served, O. 37, r. 33.

Must be made within twelve weeks from *teste*, O. 37, r. 34.

Substituted Service—

See SERVICE OF WRITS, ORDERS AND DOCUMENTS—WRIT OF SUMMONS, D.

Suit—

Interpretation of term when used in Act, § 100
And see ACTION.

Sufficiency of Answers—

See ANSWERS TO INTERROGATORIES.

Summary Judgment—

See JUDGMENT, B.

Summons—

See CHAMBERS.

Summons Book—

See CHAMBERS.

Summons for Directions—

General summons, one, may be taken out at any time by any party, O. 30, r. 1.

Form shall be K. 3, with any requisite variation
O. 30, r. 2.

All, or as many matters as can conveniently be dealt with shall be included, O. 30, r. 2.

Subsequent applications which could, or ought to have been included, shall be granted only at the cost of the party applying, O. 30, r. 3.

Order may include any matter, whether applied for or not, O. 30, r. 2.

Form shall be K. 4, with any requisite variation, O. 30, r. 2.

Party served with summons, may, at hearing, apply for any order or directions he may desire, O. 30, r. 2.

Judge may direct notice to be given to any parties,
O. 30, r. 2.

Returnable, summons shall be, in not less than four days,
O. 30, r. 2.

Served and addressed, summons shall be, on all parties who may be affected thereby, O. 30, r. 2.

Summons, Originating—

See ADMINISTRATION AND TRUSTS—CHAMBERS, B.

Summons, Writ of—

See WRIT OF SUMMONS.

Sunday—

Act or proceeding to be done or taken in the offices and falling due on a Sunday, may be done or taken next day, O. 64, r. 3.

Not reckoned where time limited is less than six days, O. 64, r. 2.

Supreme Court—

Divisions of, shall be two, the H. C. and C. A., § 4.

Pay office of the, § 1.

Union of all existing courts into one, § 3.

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Taxation of Costs—

See COSTS, D.

Technical Objections—

Shall not be raised to pleadings on the ground of want of form, O. 19, r. 26.

Tender—

Costs, where directed to be taxed in case the parties differ, O. 65, r. 27, reg. 34.

Defence, setting up a, money tendered must be brought into court, O. 22, r. 3.

Petition in Ch. Div., served with notice that costs of appearance in court will be objected to, tender of costs for perusal shall be £1 10s., O. 65, r. 27, reg. 19.

Terms—

Abolition of, except as a measure of time, § 26.

Interpretation of words and terms used in Act ; see WORDS.

Third Parties—

A. Under Order 16, by Notice; B. Under Order 21, by Service of Counter-claim.

A. Under Order 16, by Notice.

Amendments may be ordered as may be proper for having questions determined, O. 16, r. 53.

Appearance by third party should be within eight days from service of notice, O. 16, r. 49.

Contribution or indemnity or other relief or remedy, where defendant claims any, against any third party, he may, by leave, issue a third party notice, O. 16, r. 48.

When he claims same against any other defendant, O. 16, r. 55.

Form of order giving leave, K. 23.

Filed and sealed, notice shall be, as a writ, O. 16, r. 48.

Form of notice, may be B. 1, with any requisite variation, O. 16, r. 48.

Served, shall be, with copy statement of claim, or (if none) with copy writ of summons, within time for defence, O. 16, r. 48.

Costs, court or judge may decide and give directions as to all, as between third party and any other parties, O. 16, r. 54.

Default of appearance by third party, within eight days from service, admits validity of judgment obtained against defendant, and his own liability to contribute or indemnify, O. 16, r. 49.

Judgment against third party on default of appearance, and where defendant also suffers judgment by default, O. 16, r. 50.

Documents may be ordered to be delivered and amendments made, O. 16, r. 53.

Directions as to mode of trial, order may be made as to, on application of defendant serving the notice, if there be a question proper to be tried, O. 16, rr. 52, 53.

If there is no question proper to be tried as to the liability of the third party, judgment may be given against him, O. 16, r. 52.

Third Parties (*continued*).

A. Under Order 16, by Notice (*continued*).

Discharge or vary order, form of order to, K. 14.

Execution by and against third parties, O. 42, rr. 26, 51.

Judgment may be entered against third party on default of appearance, and where defendant also suffers judgment by default, O. 16, r. 50.

After satisfaction by defendant of amount recovered against him, O. 16, r. 51.

Or where there is no question proper to be tried as to the liability of the third party, O. 16, r. 52.

Trial resulting in plaintiff's favor, O. 16, r. 51.

Leave to defend may be given to third party on terms, if it appear desirable to do so, O. 16, r. 53.

Mode and extent in which third party shall be bound, may be directed by order, O. 16, r. 53.

Party to action, third party, when served, shall be deemed a, with all rights, § 24 (3).

Pleadings, see DOCUMENTS *supra*.

Proceedings may be directed and directions given, O. 16, r. 53.

Relief, all, claimed by defendant against third party, shall be granted as if he were a defendant, § 24 (3).

Time for appearance shall be eight days from service of notice, O. 16, r. 49.

Form of appearance, A., part II., No. 5.

Leave to appear may be given after the eight days, upon terms, O. 16, r. 49.

Trial, directions as to, may be given on defendant's application, where there is a question proper to be tried, O. 16, r. 52.

Leave may be given to third party to appear at, and take part therein, O. 16, r. 53.

Trial, where verdict for plaintiff, and third party has not entered appearance, judge may enter judgment for defendant against third party, but execution shall not issue without leave until after satisfaction by defendant of the judgment against him, O. 16, r. 51.

Third Parties (*continued*).*B. Under Order 21, by Service of Counter-claim.*

Counter claim affecting third parties shall be served as a writ, O. 21, r. 12.

Indorsement to be made thereon, B. 2 ; O. 21, r. 12.

Appearance, third party shall appear, O. 21, r. 13.

Form of appearance, A., part II., No. 7.

Exclusion of claim on application of third party or plaintiff, O. 21, r. 15.

Reply, third party may deliver a, within the time within which he might deliver a defence to a statement of claim, O. 21, r. 14.

Time—

Abridgement of, O. 64, r. 7.

In admiralty actions, O. 64, rr. 9, 10.

Days, not being clear days, are reckoned exclusively of the first and inclusively of the last day, O. 64, r. 12.

Holidays, act or proceeding falling due on, may be done or taken on the day the offices are next open, O. 64, r. 3.

Enlargement of time after expiry, O. 64, r. 7.

May be by consent, O. 64, r. 8.

Costs are in the discretion of the taxing master; one extension only shall be allowed unless more be necessary and unavoidable, O. 65, r. 27, reg. 24.

Taxing officer may limit or extend time for any proceeding before him, O. 65, r. 27, reg. 57.

When appearance entered after proper time, O. 12, r. 22.

Judgments, etc., shall not be registered after 2 p.m., O. 61, r. 22.

Long vacation shall not be reckoned in the times appointed for pleadings, O. 64, r. 5.

Months shall be calendar months, O. 64, r. 1.

Months' notice to proceed where no proceeding had for a year, O. 64, r. 13.

Orders simply enlarging time need not be drawn up, O. 52, r. 14.

Saturdays, services effected after 2 p. m., shall be deemed to have been effected on the following Monday, O. 64, r. 11.

Time (*continued*).

Security for costs, time between day of service of order, and day on which security given, both inclusive, shall not be reckoned in time to plead, answer, or take any proceeding, O. 64, r. 6.

Services effected after 6 p.m. shall be deemed to have been effected on the following day, O. 64, r. 11.

Sittings and vacations, how computed, O. 63, r. 5.

Stipulations as to time not of the essence of contracts shall be construed as in equity, § 25 (7).

Sundays, Christmas Day, and Good Friday, when reckoned, O. 64, r. 2.

Time for pleading after delivery of particulars, O. 19, r. 8.

Title—

Commissioners to administer oaths, § 84.

Court of Appeal, § 4.

Defendant's title in action for recovery of land need not be pleaded unless equitable, O. 21, r. 21.

High Court of Justice, § 4.

Judges, ordinary, of the Court of Appeal, §§ 4, †† 4.

Judges of the High Court of Justice, § 5, †† 4.

Short title of the Acts, § 1, §§ 1, † 1, †† 1, ‡ 1, ‡‡ 1, § 8.

Solicitors of the Supreme Court, § 87.

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Trade Mark, Infringement of—

Pleadings, forms of:—

Claim, statement of	C. sec. 6, No. 8.
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Defence	„	D. sec. 6.
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Writ of summons, form of indorsement of claim, A. part III.
sec. 4, No. 68.

Transfer—

Actions in Q. B. D. transfer of by L. C. J. from one master to another, O. 5, r. 7.

Books, papers and documents of old courts, transfer of, to Supreme Court, § 92.

Cause or matter, transfer of, from one division to another, § 36.

Transfer (*continued*).

Cause or matter, transfer of, by order of L. C. and consent of president of division, O. 49, r. 1.

By order of court or judge and consent of president of division, O. 49, r. 3.

Chancery actions, transfer of, may be for the purpose of trial only, O. 49, r. 2.

Judge to whom transferred action is assigned shall be named in the order, O. 49, r. 7.

Where assigned to wrong division, §§ 11.

Winding up and administration actions, transfer of actions pending in other divisions, O. 49, r. 5.

District registries, transfer from and to ; see DISTRICT REGISTRIES.

Inferior court, transfer from, where no jurisdiction to administer relief to whole of defendant's counter-claim, § 90.

Judge, transfer of, from one division to another, § 31.

Jurisdiction, transfer of, to Court of Appeal, § 18.

To High Court of Justice, § 16.

What not transferred, § 17.

Master in chambers has no jurisdiction to order transfer, O. 54, r. 12 (c).

Officers ; see that title.

Originating summons in Ch. Div. marked with name of wrong judge, O. 49, r. 6 ; O. 55, r. 11.

Particular application may, by direction of L. C., be heard and disposed of by any judge who consents so to do, O. 49, r. 4.

Pending business, transfer of, § 22.

Saving of existing procedure, §§ 21 ; O. 72, r. 2.

Treasury—

District registrars to account to, O. 35, r. 23.

Interpretation of term, § 100.

Paymaster general's books and accounts shall be prescribed by the, § 4 (1).

Trespass—

Defence, form of, in an action of, D. sec. 6.

Injunction to prevent any threatened or apprehended, § 25 (8).

Mortgagor in possession may sue for, in his own name, § 25 (5).

Trial—

- A. Modes of Trial ; B. Place of Trial ; C. Notice of Trial ; D. Entry for Trial ; E. Proceedings after Entry, and at Trial ; F. Trial before Referee or with Assessors ; G. Trial on Affidavit ; New Trial ; see NEW TRIAL.*

A. Modes of Trial.

Assessors, cause or matter may be tried wholly or partially with aid of, § 56.

Trial shall take place in such manner and on such terms as court or judge shall direct, O. 36, r. 43.

Tried, may be ordered to be by judge with assessors, O. 36, r. 7 (*a*).

Chancery causes and matters shall be tried by a judge without a jury, unless otherwise ordered, O. 36, r. 3.

Commissioners, trial before, § 29.

Cause or matter, or issues of fact, or partly of fact and partly of law, may be ordered to be tried before commissioners, O. 36, r. 44.

Court shall be deemed a court of H. C., § 29.

County court, form of order for trial in, K. 44.

To give security or try action, K. 45.

Different modes in which a cause or matter may be tried, viz., (*a*) judge without a jury ; (*b*) judge with a jury ; (*c*) judge with assessors ; (*d*) official referee with or without assessors ; (*e*) special referee with or without assessors, O. 36, r. 7 (*a*) ; and (*f*) commissioners, O. 34, r. 44.

And see these titles *supra* and *infra*.

Different questions may be tried by different modes, O. 36, r. 8.

Issues may be directed, and settled by the judge, where the issues in dispute are not sufficiently defined, O. 33, r. 1.

May be ordered to be tried before commissioners, O. 36, r. 44.

Or before a judge alone, where same could before the Act, without consent, have been so tried, O. 36, r. 4.

Or before a judge and jury, O. 36, r. 6.

Trial (*continued*).*A. Modes of Trial (continued).*

Issues, one or more, may be ordered to be tried before the others, O. 36, r. 8.

Postponed, may be, until after trial of questions of law, O. 34, r. 2.

Judge alone, mode of trial shall be before, with certain exceptions, O. 36, r. 7 (*a*).

Chancery causes and matters shall be so tried, unless otherwise ordered, O. 36, r. 3.

Power to order questions and issues to be so tried where, before the Act, same could, without consent, be so tried, O. 36, r. 4.

Requiring any prolonged examination of documents or accounts or any scientific or local investigation, O. 36, r. 5.

Judge and jury, cause or matter may, by order, be tried before, O. 36, r. 7 (*a*).

Absolute right to a jury in certain cases, O. 36, r. 2.

Costs shall follow the event unless otherwise ordered, O. 65, r. 1.

Issue of fact, any, may in certain cases be ordered to be so tried, O. 36, r. 6.

Order may be made for trial by, in certain causes or matters, on application of any party, O. 36, r. 6.

Right of party to have issues submitted to a jury with a proper and complete direction as to the law: enforcement of such right, §§ 22.

Saving of mode of giving evidence, §§ 20.

Trial with a jury shall be held by a single judge unless otherwise specially ordered, O. 36, r. 9.

Questions of law may be ordered to be tried before issues of fact, O. 34, r. 2.

Referee, official or special, cause or matter may be tried before, by consent, or without consent where same requires a prolonged examination of documents or accounts, or any scientific or local investigation, § 57.

Assessors, trial before referee may be had with, O. 36 r. 7 (*a*).

Trial (*continued*).*A. Modes of Trial (continued).*

Trial may be ordered to be held before an official or special referee, with or without assessors, O. 36, r. 7 (*a*).

Separate trials may be ordered where causes joined cannot be conveniently tried together, O. 18, r. 1.

Special jury, notice for, may be given by plaintiff with notice of trial, where he is entitled to a trial by jury, O. 36, r. 7 (*b*).

Defendant similarly entitled may give notice for, at any time after pleadings closed, or issues settled, and before notice of trial, or not less than six days before day of trial, O. 36, r. 7 (*c*).

Order for trial by, may be made at any time on terms, O. 36, r. 7 (*d*).

B. Place of Trial.

Change of, by order, O. 36, r. 1.

Local venues abolished, except statutory, O. 36, r. 1.

Middlesex, place of trial shall be, unless otherwise named or directed, O. 36, r. 1.

Notice of place of trial shall be served on defendant within six days after appearance, where no statement of claim has been delivered or required, O. 36, r. 1.

Place, unless Middlesex, shall be named in statement of claim, O. 20, r. 5.

May be appointed by judge, O. 36, r. 8.

Referee, place of trial before, shall be that which he deems most convenient, O. 36, r. 48.

Regulation of venues by order in council, §§ 23.

C. Notice of Trial.

Affidavit, notice of trial by, shall be given at the same time after the close of the evidence as is provided after the close of the pleadings, O. 38, r. 30.

Assizes, notice shall be deemed to be for the first day of the then next assizes, O. 36, r. 18.

Contents: notice shall state whether it is for the trial of the cause or matter, or of issues therein, and, in

Trial (*continued*).*C. Notice of Trial (continued).*

Q. B. D., the place and day for which it is entered,
O. 36, r. 13.

Form of notice shall be B. 16, with any requisite
variation, O. 36, r. 13.

Countermanded, shall not be, except by consent or leave,
O. 36, r. 19.

Defendant may give notice of trial, on plaintiff's failure
for six weeks after close of pleadings, O. 36, r. 12.

Dismiss, defendant may apply to, where plaintiff fails
to give notice of trial for six weeks from close of
pleadings, O. 36, r. 12.

Dispensing with, in admiralty actions, O. 64, r. 9.

Entry for trial, notice of trial shall be given before,
O. 36, r. 15.

In London or Middlesex, if trial is not entered
within six days, notice of trial shall be no longer
in force, O. 36, r. 16.

Jury, defendant may give notice of trial, by within four
days from notice of trial, in certain cases, O. 36, r. 2.

London or Middlesex, notice shall operate for any day
after its expiration on which trial may come on in
its order, O. 36, r. 17.

Notice of trial may be given by plaintiff with his reply,
whether it closes the pleadings or not, O. 36, r. 11.

Short notice of trial shall be four days, O. 36, r. 14.

Ten days notice of trial shall be given, unless by consent
or order, O. 36, r. 14.

D. Entry for Trial.

Assizes; either party may, after notice of trial is given
and before the day next before the commission day,
enter the trial at the assizes in the D. R., O. 36,
r. 22.

Any vacant number may be selected by the party
entering, O. 36, r. 24.

Associate, trial may be entered with the, at the
assize town, O. 36, r. 22.

Trial (*continued*).*D. Entry for Trial (continued).*

List shall be open for inspection at the D. R.,
O. 36, r. 24.

Trial entered by both parties, shall be tried in order
of plaintiff's entry, and defendant's entry shall
be vacated, O. 36, r. 28.

Entry may be made notwithstanding that pleadings are
not closed, provided notice of trial has been given,
O. 36, r. 15.

Lists for trial at the assizes, O. 36, r. 27.

Separate lists of trials with and without juries for
trial in London and Middlesex shall be prepared,
and trials shall be tried at such times as the
L. C. J. may arrange, O. 36, r. 29.

London and Middlesex, if party giving notice of trial omits
to enter the trial on the day of, or day after,
giving notice of trial, opposite party may enter within
four days, O. 36, r. 20.

If not entered by either party within six days, notice
of trial shall be no longer in force, O. 36, r. 16.

Notice of trial shall be given before entry, O. 36, r. 15.

Præcipe on entering, G. 22.

Printed copies of the pleadings (two) shall be delivered to
the officer, O. 36, r. 30.

Withdrawal by consent, O. 26, r. 2.

Notice shall be immediately given to registrar
where action entered in D. R., O. 36, r. 25.

E. Proceedings after Entry and at Trial.

Addresses to jury, O. 36, r. 36.

Adjourn or postpone trial, judge may, for such time, to
such place, and on such terms, as he thinks fit,
O. 36, r. 34.

Certificate of associate or master, a sufficient authority to
officer to enter judgment, O. 36, r. 42.

Form of certificate shall be B. 17, with any requisite
variation, O. 36, r. 42.

Costs; where trial struck out for plaintiff's defect, and

Trial (*continued*).*E. Proceedings after Entry and at Trial (continued).*

again set down, costs of first setting down shall be defendant's, O. 65, r. 27, reg. 50.

Counterclaim or set-off may be established by defendant notwithstanding misjoinder of a plaintiff, O. 16, r. 3.

Cross examination, disallowance of vexatious and irrelevant questions, O. 36, r. 38.

Default of appearance at trial of plaintiff, defendant appearing shall be entitled to judgment of dismissal, and may prove his counterclaim, O. 36, r. 32.

Default of appearance at trial of defendant, plaintiff appearing may prove his claim, O. 36, r. 31.

Directions; judge may direct judgment to be entered for any or either party, or adjourn the case for further consideration, or leave any party to move for judgment, O. 36, r. 39.

Judgment shall not be entered after trial without an order, O. 36, r. 39.

Entry by associate or master of findings and judges, directions and certificates, O. 36, r. 41.

Evidence, saving as to, on trials by jury, §§ 20.

Mitigation of damages, evidence in, in libel and slander, O. 36, r. 37.

Witnesses shall be examined *vivâ voce* in open court, unless otherwise ordered or agreed, O. 37, r. 1.

Further consideration, case may be adjourned for, O. 36, r. 39.

Inspection by judge of any property or thing concerning which any question may arise, O. 50, r. 4.

Note of times at which trial commences and terminates, shall be made by officer, registrar or master, for communication to taxing officer, O. 36, r. 40.

Point of law raised on pleadings shall be disposed of at or after, or (by order) before trial, O. 25, r. 2.

Postpone trial, power of judge to, O. 36, r. 34.

Right of parties to have issues submitted to the jury with a proper and complete direction upon the law and as to the evidence, §§ 22.

Trial (*continued*).*E. Proceedings after Entry and at Trial (continued).*

Questions, judge must be asked to put all, to the jury, or new trial cannot be applied for, O. 39, r. 6.

Third party may have liberty to appear at trial and take part therein, O. 16, r. 53.

Verdict or judgment obtained where one party does not appear may be set aside, on application within six days, on terms, O. 36, r. 33.

Where trial cannot proceed by reason of solicitor's neglect to attend or to deliver papers for court or judge, he shall pay such costs as may be awarded, O. 65, r. 5.

F. Trial before Referee or with Assessors.

Adjourn to, or hold trial at, any place, referee may, O. 36, r. 48.

Assessors, cause or matter may be tried wholly or partially with aid of, § 56.

Trial may be had with, O. 36, r. 7 (*a*).

Trial shall take place in such manner and on such terms as court or judge shall direct, O. 36, r. 43.

Attachment, orders of referee cannot be enforced by, or otherwise, O. 36, r. 51.

Authority of referees shall be the same as that of a judge of the H. C., O. 36, r. 50.

Cases in which cause or matter may be tried before referee, § 57.

Commit to prison, referee has no power to, O. 36, r. 51.

Inspection, referee may have any, that he deems expedient, O. 36, r. 48.

London, duties of referee shall be performed in, or in the country, as may be ordered, § 83.

Order for trial before referee, form of, K. 33.

Place of trial shall be that which referee deems most convenient, O. 36, r. 48.

Proceed *de die in diem* referee shall, unless otherwise ordered, O. 36, r. 48.

Question, any, may be submitted by referee for the decision of the court, O. 36, r. 52.

Trial (*continued*).*F. Trial before Referee or with Assessors (continued).*

Report of referee may be adopted wholly or partially, and enforced as a judgment, § 56.

Equivalent to verdict of a jury, unless set aside, § 58.

Sittings of referees, hours and days of, O. 63, r. 16.

Special referee shall have the same powers, and proceed in the same manner, as an official referee, § 57.

Specially, facts may be stated, by referee for decision of the court, O. 36, r. 52.

Trial before referee shall be conducted as a trial before the H. C., § 57, or a judge, O. 36, r. 49.

Evidence shall be taken, O. 36, r. 49.

View, referee may have any that he deems expedient, O. 36, r. 48.

Witness, attendance of, before referee, may be enforced by *subpœna*, O. 36, r. 49.

G. Trial on Affidavit.

Consent requisite for trial of action on affidavit instead of on *vivâ voce* evidence, O. 37, r. 1.

Plaintiff's affidavits shall be filed, and a list thereof delivered, within fourteen days after consent, or within such time as may be agreed, or ordered, O. 38, r. 25.

Defendant's affidavits shall be filed, and a list thereof delivered, within fourteen days after delivery of plaintiff's list, or within such time as may be agreed, or ordered, O. 38, r. 26.

Plaintiff's affidavits in reply (confined to matters strictly in reply) shall be filed, and a list thereof delivered, within seven days after the expiration of the defendant's fourteen days, or such time as may be agreed, or ordered, O. 38, r. 27.

Cross-examination of deponent, notice for, may be served within fourteen days after time for filing affidavits in reply, or such time as may be specially appointed, O. 38, r. 28.

Form of notice of cross-examination, B. 20.

Trial (*continued*).*G. Trial on Affidavit (continued).*

If deponent is not produced, his affidavit shall not be used, unless by special leave, O. 38, r. 28.

Deponent's attendance may be compelled by the party receiving the notice, O. 38, r. 29.

Deponent's expenses shall not be demanded in the first instance, O. 38, r. 28.

Examiner, any witness may, by order, be examined by interrogatories or otherwise before a commissioner or examiner, O. 37, rr. 1, 5.

Form of order, K. 35.

And see EVIDENCE, C.

Fact, any particular, may be ordered to be proved by affidavit, O. 37, r. 1.

Affidavit of any witness may, by order, be read at the trial, O. 37, r. 1,

But such order shall not be made if the other party *bonâ fide* desires to cross-examine the witness, O. 37, r. 1.

This rule does not apply, in P. D. and A. Div., to default actions *in rem*, references in actions, or actions for limitation of liability, unless so ordered, O. 38, r. 30.

Notice of trial shall be given at the same time after the close of the evidence as is provided after the close of the pleadings, O. 38, r. 30.

Printed, affidavit evidence shall be, O. 38, r. 30.

Depositions filed for use on trial shall be printed unless otherwise ordered, O. 66, r. 5.

But not if the deposition or affidavit has been previously used without being printed, O. 66, r. 6.

And see PRINTING.

Trinity Sittings—

Commence Tuesday after Whitsun week, end 8th August, O. 63, r. 1.

Both days inclusive, O. 63, r. 5.

Trustee—

Cause or matter, trustee may be made party to any, on devolution of any estate, or bankruptcy of any party, O. 17, r. 2.

May sue and be sued without joining beneficiaries, but the latter may at any stage be ordered to be joined, O. 16, r. 8.

Bankruptcy trustee, claims by, shall not, unless by leave, be joined with other claims, O. 18, r. 3.

Cestui que trust, claim of, against trustee under an express trust, shall not be barred by any statute of limitations, § 25 (2).

Costs, trustees who have not unreasonably instituted, carried on, or resisted any proceedings, shall not be deprived of right thereto out of the estate or fund, O. 65, r. 1.

Sale of property in administration proceeding shall be under conduct of trustees, unless otherwise ordered, O. 50, r. 10.

Statement of claim (and special indorsement on writ) in an action against trustees for a debt on a trust, C. sec. 4, No. 12.

Trustee Relief Act, 1859—

See JUDICIAL OPINION, ADVICE OR DIRECTION.

Trusts—

See ADMINISTRATION AND EXECUTION OF TRUSTS.

U**Undertaking—**

Acceptance of service of writ and undertaking to appear renders service unnecessary, O. 9, r. 1.

Solicitor liable to an attachment for not appearing, or putting in bail in an admiralty action, pursuant to his undertaking, O. 12, r. 18.

Underwriters—

Form of order for production of documents, K. 19.

Pleadings, forms of:—

Claim, statement of C. sec. 5, No. 6.

Defence „ D. sec. 5.

Writ of summons, form of claim on, A. part III. sec. 4, No. 36.

Unsound Mind, Person of—

See LUNATIC.

V**Vacations and Holidays—**

Christmas Day and Good Friday not reckoned in any limited time of less than six days, O. 64, r. 2.

Where an act cannot be done by reason of the offices being closed, it may be done on the day on which the offices shall next be open, O. 64, r. 3.

Christmas vacation commences 24th December, ends 6th January, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Easter vacation commences on Good Friday, ends on Easter Tuesday, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Good Friday ; see CHRISTMAS DAY, *supra*.

Holidays in offices of Supreme Court, O. 63, r. 6.

Where an act cannot be done by reason of the offices being closed, the same may be done on the day on which they shall next be open, O. 64, r. 3.

Long vacation commences 10th August, ends 24th October, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Pleadings shall not be amended or delivered in, unless directed, O. 64 r. 4.

Vacations and Holidays (*continued*).

Time of, shall not be reckoned in pleadings, unless directed, O. 64, r. 5.

Office hours in offices of Supreme Court, O. 63, r. 9.

Office sittings shall extend over the whole of the four periods between the vacations, O. 63, r. 3.

Orders in council may regulate vacations, § 27.

Queen's birthday, C. A. and H. C. need not sit on day appointed to be kept as, O. 63, r. 2.

Saturdays, offices shall close at 2 p.m., O. 63, r. 8.

Services effected after 2 p.m. shall be deemed to have been effected on the following Monday, O. 64, r. 11.

Sunday not reckoned in any limited time of less than six days, O. 64, r. 2.

Where an act cannot be done by reason of the offices being closed, it may be done on the day on which the offices shall next be open, O. 64, r. 3.

Taxation of costs in vacation; one master shall attend daily, O. 61, r. 3.

Vacation courts and judges; provision shall be made for the hearing by judges of the H. C. and C. A. of applications requiring to be immediately or promptly heard, § 28.

Two judges of H. C. shall be selected, O. 63, r. 11.

May sit separately or together as a divisional court, O. 63, r. 12.

Interval between sittings of H. C. shall, as to the disposal of business by the vacation judges, be deemed vacation, O. 63, r. 15.

Orders made by, reversal or variation of, O. 63, r. 12.

Masters; see MASTERS.

Judgments or orders may be prosecuted before any judge in the interval between the close of any sittings and the commencement of the next sittings, O. 63, r. 14.

Single judge of C. A. may during vacation make interim orders, § 52.

Vacation judge, or any judge of Ch. Div., may issue summonses in Ch. Div., returnable after vacation, O. 63, r. 13.

Vacations and Holidays (*continued*).

Whitsun vacation commences Saturday before Whitsunday,
ends Tuesday after Whitsunday, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Manchester district registry shall not be open on five days
following Whit Monday, O. 63, r. 10.

Venditioni Exponas—

Form of, H. 4.

Præcipe for, G. 3.

Saving of writ of, O. 43, r. 5.

When same may issue, O. 43, r. 2.

Vendors and Purchasers—

Actions for specific performance assigned to Ch. Div., § 34.

Venue—

Abolition of local venues, except statutory, O. 36, r. 1.

Change of place of trial by order, O. 36, r. 1.

Notice of place of trial shall be served on defendant within
six days after appearance, where no statement of claim
has been delivered or required, O. 36, r. 1.

Place of trial shall be Middlesex unless otherwise named or
ordered, O. 36, r. 1.

Named shall be in statement of claim unless it be
Middlesex, O. 20, r. 5.

May be appointed by judge, O. 36, r. 8.

Regulation of venues by order, in council, §§ 23.

Verdict—

See TRIAL, E.

Vice Admiralty Courts—

Saving clause as to, † 23.

View—

Order may be made for inspection by jury and for attendance
of special or common jury, O. 50, r. 5.

W

Waiver—

Judgment or order, where condition on which same granted is not complied with, O. 42, r. 2.

Warrant to Arrest in Admiralty Action—

Affidavit to lead warrant, O. 5, r. 16 (*a*).

Form shall be A., part I. No. 17, with any requisite variation, O. 5, r. 16.

Issued, may be, at any time after writ of summons has issued, O. 5, r. 16.

Notice of action against foreign ship to consul in suit for wages or possession, O. 5, r. 16 (*b*).

May be waived by court or judge, O. 5, r. 17.

Service, how effected, O. 9, r. 12.

Translation of bottomry, bond required if in foreign language, O. 5, r. 16 (*c*).

Wardship of Infants—

Actions as to, assigned to Ch. Div., § 34.

And see INFANTS.

Waste—

Equitable, right to commit, shall not be implied, § 25 (3).

Injunction may be granted against threatened or apprehended waste, § 25 (8).

One person may sue on behalf of all persons interested, O. 16, r. 37.

Whitsun Vacation—

Commences Saturday before Whitsunday, ends Tuesday after Whitsunday, O. 63, r. 4.

Both days inclusive, O. 63, r. 5.

Holidays in offices of Supreme Court, O. 63, r. 6.

In Manchester district registry, O. 63, r. 10.

Winding up—

Appeal to Court of Appeal shall be brought within twenty-one days, O. 58, r. 9.

Bankruptcy rules shall prevail, §§ 10.

Transfer of cause or matter to court in which winding up is proceeding, O. 49, r. 5.

Withdrawing Action, Defence, or Record—

See DISCONTINUANCE.

Witness—

Arbitrator, form of order for attendance before, K. 25.

With documents, K. 26.

Chief clerk, power of, to summon witnesses, O. 55, r. 16.

Form of summons, L. 1.

Compelling attendance of witness before referee, O. 36, r. 49.

For cross-examination on his affidavit, O. 38, r. 28.

Cross-examination, power of judge to disallow vexatious or irrelevant questions, O. 36, r. 38.

Examination of witness before trial may be ordered, O. 37, r. 5.

By interrogatories or otherwise, O. 37, r. 1.

Forms of orders:—

Examination before examiner	K. 35.
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Short order for commission	K. 36.
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Long " " "	K. 37.
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<i>Præcipe</i> for commission	G. 17.
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Writ of commission, oaths and direction	...	J. 13.
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Officer of central office required to attend court with any document, deposit and undertaking for his fees, charges and expenses, O. 61, r. 29.

Trial by jury, oral evidence on, §§ 20.

Witnesses shall be examined *à la voce* and in open court, in the absence of any agreement or order, O. 37, r. 1.

And see EVIDENCE.

Words—

"Action," § 100 ; when used in rules, O. 1, r. 1.

"Assizes," §§ 23.

"Cause," § 100.

"Central office," when used in rules, O. 71, r. 1.

Words (*continued*).

" Court of Appeal in Chancery, the," § 100.

" Crown cases reserved," § 100.

" Defendant," § 100.

" Existing," § 100.

" High Court of Chancery, the," § 100.

Interpretation clause, § 100.

Application of § 100 to the rules, O. 71, r. 1.

" Issuing execution against any party," when used in rules,
O. 42, r. 8.

" Judgment," § 100.

" London Court of Bankruptcy," § 100.

" Lord Chancellor," § 100.

" Master," when used in rules, O. 71, r. 1.

" Matter," § 100.

" Oath," § 100.

" Order," § 100,

" Order of course ;" appendix N. title " Attendances."

" Originating Summons," when used in rules, O. 71, r. 1.

" Party," § 100.

" Pension," § 100.

" Person," when used in rules, O. 71, r. 1.

" Petitioner," § 100.

" Plaintiff," § 100.

" Pleading," § 100.

" Plural" includes singular when used in the rules, O. 71,
r. 2.

" Probate action," when used in rules, O. 71, r. 1.

" Proper officer," when used in rules, O. 71, r. 1.

" Receiver," when used in rules, O. 71, r. 1.

" Rules of Court," § 100 ; O. 63, r. 2.

" Singular" includes plural when used in the rules, O. 71,
r. 2.

" Suit," § 100.

" Taxing officer," when used in rules, O. 71, r. 1.

" The principal Act," when used in rules, O. 71, r. 1.

" The Acts," when used in rules, O. 71, r. 1.

" Treasury, the," § 100.

" Writ of execution," when used in rules, O. 42, r. 8.

Work done—

Claim, statement of, in an action for, and materials, E. sec. 2.

Writ of summons, forms of indorsement of claim where no special indorsement, A., part III. sec. 2, Nos. 13, 21.

Special indorsement, E. sec. 2.

Writ of Attachment—

See ATTACHMENT.

Writ of Delivery—

See DELIVERY, WRIT OF.

Writ of Distringas—

See CHARGING STOCK OR SHARES—DISTRINGAS AGAINST EX-SHERIFF.

Writ of Elegit—

See ELEGIT.

Writ of Execution—

See EXECUTION.

Writ of Injunction—

See INJUNCTION.

Writ of Inquiry—

See INQUIRY, WRIT OF.

Writ of Mandamus—

See MANDAMUS.

Writ of Ne Exeat Regno—

See NE EXEAT REGNO.

Writ of Possession—

See POSSESSION, WRIT OF.

Writ of Sequestration—

See SEQUESTRATION.

Writ of Summons—

A. Place of Issue and how Issued ; B. Form, Date and Teste ; C. Indorsements ; D. Service ; E. Amendment ; F. Concurrent ; G. Duration and Renewal ; H. Disclosure by Solicitors and Plaintiffs ; I. For Service out of Jurisdiction.

A. Place of Issue and how Issued.

Action shall be commenced by writ of summons, O. 2, r. 1.

Cause book, action shall be entered in, O. 5, r. 13.

Central office, every writ not issued in a D. R. shall be issued in, O. 5, r. 2.

Department of, for issuing writs, O. 61, r. 1.

Copy shall be left with the officer, O. 5, r. 12.

Entered, shall be, in the cause book, O. 5, r. 13.

Filed, shall be, O. 5, r. 13.

Notice to officer, copy shall be, of division to which action assigned, O. 5, r. 14.

District registry, plaintiff wherever resident may issue writs out of, § 64.

Except in probate actions, O. 5, r. 1.

Lost writ, copy may be ordered to be sealed and served in lieu of, O. 8, r. 3.

Probate actions in, affidavit shall be filed verifying indorsement, O. 5, r. 15.

Writ cannot issue in district registry, O. 5, r. 1.

Sealed, shall be, by the proper officer, O. 5, r. 6.

B. Form, Date and Teste.

Action, every, shall be commenced by writ of summons, O. 2, r. 1.

Admiralty action *in rem*, writ of summons in, shall be in form A., part I. Nos. 11 and 12, with any requisite variation, O. 2, r. 7.

Bills of Exchange Act, no writ shall be issued under, O. 2, r. 6.

Costs incurred by the use of other or more prolix forms of writs or indorsements shall be borne by party using the same, unless otherwise ordered, O. 2, r. 2.

Date shall be date when issued, O. 2, r. 8.

Writ of Summons (*continued*).

B. Form, Date and Teste (*continued*).

District registry writs; where defendant neither resides nor carries on business within the district, there shall be a statement that defendant may appear at district registry or at central office, O. 5, r. 3.

Where defendant resides or carries on business in district, there shall be a statement that defendant do appear at district registry, O. 5, r. 4.

Forms shall be those in A., part I., with any requisite variation, O. 2, rr. 3, 5, 7.

Admiralty action <i>in rem</i>	...	A., part I., No. 11.
District registry	...	" " 12.
Central office, general form	...	" " 1.
Specially indorsed	...	" " 2.
Service out of jurisdiction	...	" " 5.
Specially indorsed	...	" " 6.
District registry, general form	...	" " 3.
Specially indorsed	...	" " 4.
Service out of jurisdiction	...	" " 7.
Specially indorsed	...	" " 8.

Indorsement; see INDORSEMENTS, C. *infra*.

Marked, shall be, with name of D. R. whence issued, O. 5, r. 13.

And with the division to which action assigned, O. 2, r. 1; § 33.

Plaintiff may choose division, §§ 11.

P. D. and A. Div., action shall not be assigned to, unless it could have been commenced in P. D. or A. Courts before the Act, §§ 11.

Actions within the non-exclusive cognizance of the High Court of Admiralty, plaintiff may assign to any division, O. 5, r. 5.

Chancery actions, writs shall be marked by the officer with the name of the judge to whom same assigned, O. 5, r. 9 (*a*).

Year, letter, and number shall be marked, O. 5, r. 13.

Writ of Summons (*continued*).*B. Form, Date and Teste (continued).*

Tested, shall be, in the name of the L. C., or if vacant of the L. C. J., O. 2, r. 8.

Written or printed, writ shall be, or partly written and partly printed, on paper, O. 5, r. 10.

C. Indorsements.

Account, where plaintiff in the first instance desires to have an account taken, the writ shall be so indorsed, O. 3, r. 8.

Address; where writ issued in central office, plaintiff's solicitor shall indorse plaintiff's address, and his own name and place of business, and (if necessary) his address for service, and (if issued as agent) the name and place of business of the principal solicitor, O. 4, r. 1.
 Plaintiff suing in person shall indorse his residence and occupation, and (if necessary) his address for service, O. 4, r. 2.

Address; where writ issued in district registry, plaintiff's solicitor shall indorse plaintiff's address, and his own name and place of business, and (if necessary) his address for service, and where defendant does not reside in district, an address for service in London, and (if issued as agent) the name and address of the principal solicitor, O. 4, r. 3.

Plaintiff suing in person shall indorse his residence and occupation, and (if necessary) his address for service, and where defendant does not reside in district, an address for service in London, O. 4, r. 3.

Claim, the, shall be indorsed on every writ before it is issued, O. 3, r. 1.

Precise ground of relief or remedy claimed need not be set forth, O. 3, r. 2.

Forms shall be those in A., part III., O. 3, r. 3.

Admiralty actions:

Cargo, damage to	...	A. part III. sec. 6. No. 3.
„	by collision	„ „ 2.

Writ of Summons (*continued*).*C. Indorsements (continued).*

Collision, damage to vessel by	A. part III. sec. 6, No. 1.	
Necessaries	" "	15.
Part owner	" "	10.
Possession	" "	4.
„ in respect of share	" "	5.
„ part earnings	" "	6.
„ as against master	" "	7.
„ under a mortgage	" "	8.
„ as assignee of bottomry bond	" "	9.
„ as owner of derelict	" "	11.
Salvors	" "	12.
Seamen's wages	" "	14.
Towage	" "	13.

Chancery actions:

Administration by creditor	A. part III. sec. 1, No. 1.	
„ „ legatee	" "	2.
Cancellation of deed	" "	8.
Execution of trusts	" "	7.
Mortgagee	" "	4.
Mortgagor	" "	5.
Partnership	" "	3.
Raising portions	" "	6.
Rectification of deed	" "	8.
Specific performance	" "	9.

Damages and other claims:

Account	A. part III. sec. 4, No. 1.	
Agent, breach of contract to employ	" "	2.
„ wrongful dismissal	" "	3.
„ wrongfully quitting employ	" "	4.
Apprenticeship	" "	6.
Arbitration	" "	7.
Assault	" "	8, 9.
Award, non-compliance with	" "	7.
Bailment	" "	11.
Banker	" "	14.
Bill, non-acceptance of	" "	15.

Writ of Summons (*continued*).C. Indorsements (*continued*).

Bond	...	...	A. part III. sec. 4, No. 16.	
Breach of promise of marriage	"	"		47.
Carrier, refusal to carry goods	"	"		17.
"	"	plaintiff	"	18.
"	carriage of goods by railway	"	"	19.
"	"	sea	"	20.
Charter party	...	...	"	21.
Cheque, refusal to pay	...	"	"	14.
Contract, breach of, to employ agent	"		"	2.
"	land; see LAND <i>infra</i> .			
"	non-delivery of goods	...	"	51.
"	promise to marry	...	"	47.
"	sale of goods	...	"	50.
"	warranty, breach of	...	"	52.
"	work	...	"	69, 70.
"	wrongful dismissal	...	"	3.
"	wrongfully quitting employ	"	"	4.
Conversion of goods	...	...	"	23.
Copyright	...	...	"	67.
Covenant	...	...	"	40, 56, 78.
Defamation, libel	...	...	"	24.
"	slander	...	"	25.
Detinue of goods	...	...	"	11, 12, 22.
Distress	...	...	"	27.
"	replevin for	...	"	26.
Dower	...	...	"	30.
Ejectment	...	...	"	28.
Factor	...	...	"	5.
False imprisonment	...	...	"	8, 9.
Fishery	...	...	"	31.
Fraudulent misrepresentation	"	"	"	32, 33.
Guarantee	...	...	"	34, 35.
Hire	...	...	"	13.
Indemnity	...	...	"	35.
Injunction	...	...	"	75.
Innkeeper	...	...	"	73.
Insurance, breach of contract of	"	"	"	38.

Writ of Summons (*continued*).*C. Indorsements (continued).*

Insurance, fire	...	...	A. part III. sec. 4, No. 37.	
" marine	...	...	"	36.
Land, breach of contract to sell	"	"	"	53.
" " to let a house	"	"	"	54.
" " and fixtures, &c.,	"	"	"	55.
" " covenants	"	"	"	56, 78.
" establishing title to	...	"	"	9.
" mesne profits	...	"	"	76.
" nuisance to, by vapours	"	"	"	71.
" possession, recovery of	"	"	"	28.
" rents, account of	...	"	"	77.
" " arrears of	...	"	"	77.
" " recovery of	...	"	"	29.
" support	...	"	"	58.
" trespass to	...	"	"	57.
Landlord and tenant, repairs	"	"	"	39.
" " covenants	"	"	"	40.
Libel	...	"	"	24.
Light	...	"	"	64.
Malicious prosecution	...	"	"	8.
<i>Mandamus</i>	...	"	"	74.
Marriage, breach of promise	...	"	"	47.
Medical man...	...	"	"	41.
Mesne profits	...	"	"	76.
Mischievous animal	...	"	"	42.
Negligence, bailment of goods	"	"	"	12.
" custody of goods	"	"	"	11, 13.
" hire of goods	...	"	"	13.
" injury in driving	"	"	"	43.
" Lord Campbell's Act	"	"	"	46.
" medical man	...	"	"	41.
" railway	...	"	"	44.
" railway station	"	"	"	45.
" solicitor	...	"	"	10.
Nuisance, noxious vapours	...	"	"	71.
" noise	...	"	"	72.
Pasture, infringement of right	"	"	"	63.

Writ of Summons (*continued*).*C. Indorsements (continued).*

Patent infringement	A. part III. sec. 4, No. 66.	
Pledge	" "	12.
Promise of marriage, breach of,,	" "	47.
<i>Quare impedit</i>	" "	48.
Railway company ; see CARRIER-NEGLIGENCE, <i>supra</i> .		
Replevin	" "	26.
Sale of goods, non-acceptance	" "	50.
" non-delivery ...	" "	51.
" breach of warranty	" "	52.
Sale of land ; see LAND, <i>supra</i> .		
Seduction	" "	49.
Slander	" "	25.
Solicitor, negligence	" "	10.
Sporting	" "	65.
Support	" "	58.
Trade mark	" "	68.
Trespass to land	" "	57.
Warranty, breach of	" "	52.
Watercourse, diverting, &c. ...	" "	60.
" obstructing	" "	60, 62.
" wrongful discharge	" "	61.
Way	" "	59.
Work, breach of contract to	" "	69, 70.

Money claims, where no special indorsement :

Award	A. part III. sec. 2, No. 41.	
Banker's balance	" "	12.
Bill of exchange	" "	46, 48.
" accommodation ...	" "	37.
Board and lodging	" "	22.
" " and tuition	" "	23.
Bond	" "	43.
Calls upon shares	" "	52.
Carriage of goods	" "	18.
Cheque	" "	45.
Commission	" "	14.
Contribution by co-debtor ...	" "	39.
" surety	" "	38.

Writ of Summons (continued).

C. Indorsements (continued).

Crops ... ..	...	A. part III. sec. 2, No. 53.	
<i>Del credere</i> agent ... ..	...	...	51.
Demurrage ... ..	...	...	8.
Fees ... ..	...	...	13, 25.
Foreign judgment ... ..	...	...	44.
Freight ... ..	...	...	8.
General average ... ..	...	...	7.
Goods sold ... ..	...	...	1.
" carriage of ... ..	...	...	18.
" hire of ... ..	...	...	20.
Guarantee ; see SURETY, <i>infra</i> .			
Interest ... ..	...	...	6.
Lighterage ... ..	...	...	9.
Market tolls ... ..	...	...	10.
Medical attendance ... ..	...	...	15.
Money entrusted to agent ... ..	...	...	30.
" lent ... ..	...	...	2.
" obtained by fraud ... ..	...	...	31.
" overpaid ... ..	...	...	26, 27.
" paid for the defendant ... ..	...	...	36.
" " by mistake ... ..	...	...	32.
" " on accommodation bill ... ..	...	...	37.
" " on a consideration that has failed ... ..	...	...	33, 34.
" " by surety for defendant ... ..	...	...	35.
" " " for calls ... ..	...	...	40.
" received ... ..	...	...	24.
Penalties ... ..	...	...	11.
Policy, life ... ..	...	...	42.
Premiums, return of ... ..	...	...	16.
Promissory note ... ..	...	...	47.
Rent ... ..	...	...	4.
Salary ... ..	...	...	5.
Schooling ... ..	...	...	23.
Shares, return of deposit ... ..	...	...	34.
Solicitor ... ..	...	...	13.
Stakeholder ... ..	...	...	28, 29.
Stallage ... ..	...	...	10.

Writ of Summons (*continued*).*C. Indorsements (continued).*

Surety	...	...	A. part III. sec. 2, No. 49.
„ and principal	...	...	50.
„ contribution by...	...	„	38.
„ money paid by for defendant		„	35, 40.
Tenant, out-going	...	...	53.
Tolls	...	...	10.
Use and occupation	...	...	19.
Warehouse rent	...	...	17.
Waygoing crops, &c.	...	...	53.
Work done as solicitor	...	„	13.
„ „ surveyor	...	„	21.

Probate Actions :

Grant of administration, when
interest disputed ... A. part III. sec. 5, No. 4.

Revocation of probate ... „ „ 2.

„ administration „ „ 3.

Solemn form, probate in ... „ „ 1.

Debt or liquidated demand, in, indorsement shall state amount claimed for debt and costs, and that on payment in four days further proceedings will be stayed, O. 3, r. 7.

Costs may be taxed, and if one-sixth taxed off, plaintiff's solicitor shall pay costs of taxation, O. 3, r. 7.

Form of this indorsement shall be A., part III, sec. 3 ;
O. 3, r. 7.

Debt or liquidated demand, or in actions by landlord against tenant for recovery of land, writ may be specially indorsed, O. 3, r. 6.

Forms shall be to the effect of those in C. sec. 4.

Bill of exchange ;

Indorsee *v.* acceptor ... C. sec. 4, No. 4.

„ „ and drawer „ 5.

Payee *v.* drawer excusing notice „ 6.

Bond, obligee *v.* obligor ... „ 7.

Company *v.* shareholder for allotment
money and calls ... „ 9.

Writ of Summons (*continued*).*C. Indorsements (continued)*

Covenantor <i>v.</i> covenantor	A. part III. sec. 5, No. 8.
Goods sold and delivered ...	„ 1.
Guarantee for price of goods	„ 10.
Creditor <i>v.</i> principal and surety	„ 11.
Money had and received ...	„ 2.
Promissory note, payee <i>v.</i> maker	„ 3.
Trust, debt on a ...	„ 12.
Work done and materials ...	E. sec. 2.
Special indorsement shall be deemed the statement of claim, O. 20, r. 1 (<i>a</i>).	
Special allowance for costs, O. 65, r. 27, reg. 1.	
Probate actions, in, character in which plaintiff sues shall be shown, O. 3, r. 5.	
Proximity in indorsements shall be borne by the party using the same unless otherwise directed, O. 2, r. 2.	
Representative character of plaintiff or defendant shall be shown, O. 3, r. 4.	
Forms shall be those in A. part III. sec. 7.	
Executor (plaintiff)	A. part III, sec. 7, No. 1.
„ (defendant)	„ „ 2.
„ „ and in personal capacity)	„ „ 3.
Heir-at-law ...	„ „ 9.
„ and devisee	„ „ 10.
Public officer (plaintiff)	„ „ 6.
„ (defendant)	„ „ 7.
„ (and principal)	„ „ 8.
<i>Qui tam</i> action ...	„ „ 11.
Trustee ...	„ „ 5.
„ in bankruptcy (plaintiff)	„ „ 4.
Service, person effecting, shall within three days indorse the day of the month and week of service, O. 9, r. 15.	

D. Service.

Acceptance of service by solicitor renders service unnecessary, O. 9, r. 1.

Solicitor liable to attachment for not entering an

Writ of Summons (*continued*).*D. Service (continued).*

appearance in pursuance of his undertaking,
O. 12, r. 18.

Added or substituted defendant shall be served, O. 16, r. 13.
Corporation, statutory mode of service on, may be
followed; in the absence thereof, service may be on
mayor, town clerk, treasurer, secretary, etc. O. 9, r. 8.
Firms; see PARTNERS, *infra*.

Husband and wife, both shall be served, unless otherwise
ordered, O. 9, r. 3.

Indorsement of service shall be made within three days.
Affidavit of service shall mention the day on which
indorsement made, O. 9, r. 15.

Infant, service on the father, or guardian, or, if none, on
the person with whom the infant resides, shall, unless
otherwise ordered, be good service, provided that the
court may order that service on the infant shall be
good service, O. 9, r. 4.

Land, in case of vacant possession, writ may be served by
posting a copy on the door or other conspicuous part
of the property, O. 9, r. 9.

Lunatic or person of unsound mind, service on the com-
mittee, or person with whom he or she resides, shall,
unless otherwise ordered, be good service, O. 9, r. 5.

Partners, when sued in the name of the firm, service may
be either upon one or more of the partners, or at
their principal place of business upon any person
having its control or management, O. 9, r. 6.

Where one person only carries on business in the
name of a firm, writ may be served at the
principal place of business on any person having
its control or management, O. 9, r. 7.

Where partnership has been dissolved, every person
sought to be made liable shall be served, O. 16, r. 14.

Personal, service shall be, wherever practicable, O. 9, r. 2.
Statutory provision for service upon any society or body
corporate, writ may be served in the manner so pro-
vided, O. 9, r. 8.

Writ of Summons (*continued*).

D. *Service (continued)*.

Substituted service may be ordered where plaintiff is unable to effect prompt personal service, O. 9, r. 2.

Application for order shall be supported by affidavit, O. 10.

Form of order, K. 21.

Indorsement of service shall be made within three days, and same shall be mentioned in affidavit of service, O. 9, r. 5.

E. *Amendment*.

Indorsement may be amended at any stage on terms, O. 28, r. 1.

Unnecessary to amend indorsement where statement of claim amended, O. 20, r. 4.

Order for, need not be drawn up; notice of order shall be served, O. 52, r. 14.

Præcipe on, G. 19.

Where defendant added or substituted, writ shall be amended, O. 16, r. 13.

F. *Concurrent*.

Duration shall be that of original writ, O. 6, r. 1.

Issued may be within twelve months of the issue of original writ, O. 6, r. 1.

Renewal of, by leave, O. 8, r. 1.

Seal shall bear the date of issuing, O. 6, r. 1.

Teste shall be the same as that of original writ, O. 6, r. 1.

Writs for service within, may be concurrent with those for service without the jurisdiction, and *vice versa*, O. 6, r. 2.

G. *Duration and Renewal*.

Concurrent writs may be renewed, O. 8, r. 1.

Duration, writ shall not remain in force for more than twelve months unless renewed, O. 8, r. 1.

Evidence of renewal and commencement of action, production of sealed writ shall be sufficient, O. 8, r. 2.

Writ of Summons (*continued*).*G. Duration and Renewal (continued).*

Leave to renew is necessary, O. 8, r. 1.

Order allowing renewal, form of, K. 22.

Memorandum of renewal shall be A. part I., No. 18, with any requisite variation, O. 8, r. 1 : and see G. 20.

Sealed, renewed writ shall be, O. 8, r. 1.

Statute of limitations, renewal of writ prevents operation of, O. 8, r. 1.

H. Disclosure by Solicitors and Plaintiffs

Demand, solicitor shall on declare in writing whether writ issued by him or with his authority or privity, O. 7.

Firm, where writ issued by partners in name of a, the plaintiffs or their solicitor shall on demand declare the names and residences of all persons constituting the firm, O. 7, r. 2.

Proceedings may, by order, be stayed on default, O. 7, r. 2.

Upon compliance, action proceeds in name of firm but with same consequences as if partners were named in writ, O. 7, r. 2.

Summons for names of partners may be issued, O. 16, r. 14.

I. For Service out of Jurisdiction.

Form of writ shall be one of the following, O. 2, r. 5.

Central office A. part I., No. 5.

Specially indorsed " " " 6.

District registry " " " 7.

Specially indorsed... .. " " " 8.

Issued, shall not be, without leave, O. 2, r. 4.

Form of order, K. 20.

Leave, when it may be given, O. 11, r. 1.

Affidavit for leave, O. 11, r. 4.

Order giving leave shall limit time for appearance, O. 11, r. 5.

Need not be drawn up, O. 52, r. 14.

Writ of Summons (*continued*).*I. For Service out of Jurisdiction (continued).*

Notice in lieu of service shall be given in the manner in which writs are served, O. 11, r. 7.

Form shall be A. part 1, Nos. 9 or 10, with any requisite variation, O. 2, r. 5.

Notice of the writ and not the writ itself is to be served where the defendant is not a British subject and not in British dominions, O. 11, r. 6.

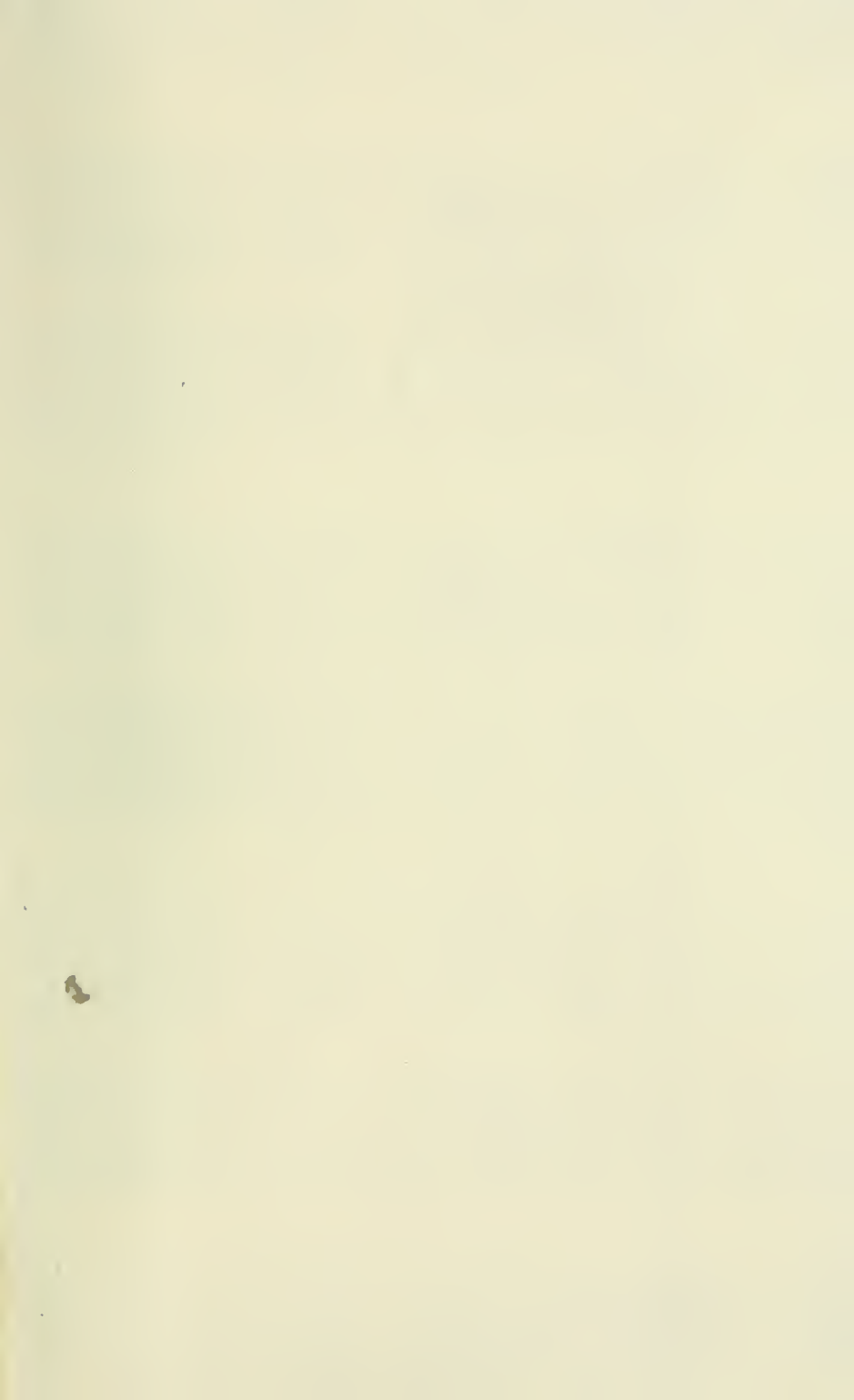
Setting aside writ, notice of motion may be served before appearance, O. 12, r. 30.



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